

## CHAPTER 36

## UNIVERSITY OF WISCONSIN SYSTEM

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**Cross Reference:** See also *UWS*, Wis. adm. code.

**36.01 Statement of purpose and mission. (1)** The legislature finds it in the public interest to provide a system of higher education which enables students of all ages, backgrounds and levels of income to participate in the search for knowledge and individual development; which stresses undergraduate teaching as its main priority; which offers selected professional graduate and research programs with emphasis on state and national needs; which fosters diversity of educational opportunity; which promotes service to the public; which makes effective and efficient use of human and physical resources; which functions cooperatively with other educational institutions and systems; and which promotes internal coordination and the wisest possible use of resources.

**(2)** The mission of the system is to develop human resources, to discover and disseminate knowledge, to extend knowledge and its application beyond the boundaries of its campuses and to serve and stimulate society by developing in students heightened intellectual, cultural and humane sensitivities, scientific, professional and technological expertise and a sense of purpose. Inherent in this broad mission are methods of instruction, research, extended training and public service designed to educate people and improve the human condition. Basic to every purpose of the system is the search for truth.

**History:** 1973 c. 335.

**36.03 System.** There is created in this state a system of institutions of learning to be known as the University of Wisconsin System. The principal office and one university of the system shall be located at or near the seat of state government.

**History:** 1973 c. 335.

**36.05 Definitions.** In this chapter:

**(1)** “Academic staff” means professional and administrative personnel with duties, and subject to types of appointments, that are primarily associated with higher education institutions or their administration, but does not include faculty and staff provided under s. 16.57.

**(2)** “Board of regents” or “board” means the board of regents of the University of Wisconsin System.

**(3)** “Campus” means the publicly owned or leased buildings and grounds which comprise all or part of an institution or the extension.

**(5)** “Chancellor” means the chief executive of an institution.

**(6)** “Classified staff” means all employees of the system other than faculty, academic staff, persons whose employment is a necessary part of their training, student assistants and student hourly help.

**(6m)** “College campus” means any one of the 2–year collegiate campuses of the system.

**(7)** “Extension” means the community outreach, public service and extension services of the system.

**(8)** “Faculty” means persons who hold the rank of professor, associate professor, assistant professor or instructor in an academic department or its functional equivalent in an institution, persons described under s. 36.13 (4) (c) and such academic staff as may be designated by the chancellor and faculty of the institution.

**(9)** “Institution” means any university or an organizational equivalent designated by the board and the University of Wisconsin colleges.

**(9m)** “Instructional academic staff” means academic staff members with teaching responsibilities.

**(9s)** “Mainframe” means a large scale, central computer maintained by the board for multipurpose functions.

**(10)** “President” means the chief executive of the system.

**(11)** “Student” means any person who is registered for study in any institution for the current academic period. For the purpose of administering particular programs or functions involving students, the board shall promulgate rules defining continuation or termination of student status during periods between academic periods.

**(12)** “System” means the University of Wisconsin System.

**(13)** “University” means any baccalaureate or graduate degree granting institution.

**(14)** “University of Wisconsin Colleges” means the college campuses as a whole.

**History:** 1973 c. 335; 1985 a. 332 s. 251 (3); 1989 a. 31, 67; 1991 a. 39; 1995 a. 27; 1997 a. 237.

**36.07 Corporate title, officers, meetings, records.**

**(1) CORPORATE STATUS AND TITLE.** The board and their successors in office shall constitute a body corporate by the name of “Board of Regents of the University of Wisconsin System”.

**(2) SECRETARY.** The board shall appoint a secretary of the board who shall keep a faithful record of all its transactions.

(3) **TREASURER.** The state treasurer shall be the treasurer of the board, but the board may appoint other persons to receive other moneys that may be due or remitted from any source.

(4) **MEETINGS, TIMES, NOTICE.** The times for holding the regular annual meeting and such other meetings as are required, and the manner of providing notice for such meetings, shall be determined by the board's bylaws.

(5) **ACCESS TO THE BOARD.** The board shall provide in its operating policies for access to the board by the public, faculty, students and chancellors.

(6) **MEETINGS AND RECORDS PUBLIC.** The board meetings shall be open and all records of such meetings and of all proceedings of the board shall be open to inspection in accordance with subchs. II and V of ch. 19.

**History:** 1973 c. 335; 1975 c. 426 s. 3; 1981 c. 335 s. 26; 1991 a. 39.

**36.09 Responsibilities. (1) THE BOARD OF REGENTS.** (a) The primary responsibility for governance of the system shall be vested in the board which shall enact policies and promulgate rules for governing the system, plan for the future needs of the state for university education, ensure the diversity of quality undergraduate programs while preserving the strength of the state's graduate training and research centers and promote the widest degree of institutional autonomy within the controlling limits of system-wide policies and priorities established by the board.

**Cross Reference:** See also UWS, Wis. adm. code.

(b) The board, after public hearing at each institution, shall establish for each institution a mission statement delineating specific program responsibilities and types of degrees to be granted.

(c) The board shall determine the educational programs to be offered in the system and may discontinue educational programs as it deems necessary.

(d) The board shall establish policies to guide program activities to ensure that they will be compatible with the missions of the institutions of the system. To this end, the board shall make all reasonable effort to provide night courses.

(e) The board shall appoint a president of the system; a chancellor for each institution; a dean for each college campus; the state geologist; the director of the laboratory of hygiene; the director of the psychiatric institute; the state cartographer; and the requisite number of officers, other than the vice presidents, associate vice presidents, and assistant vice presidents of the system; faculty; academic staff; and other employees and fix the salaries, subject to the limitations under par. (j) and ss. 20.923 (4g) and 230.12 (3) (e), the duties and the term of office for each. The board shall fix the salaries, subject to the limitations under par. (j) and ss. 20.923 (4g) and 230.12 (3) (e), and the duties for each chancellor, vice president, associate vice president, and assistant vice president of the system. No sectarian or partisan tests or any tests based upon race, religion, national origin, or sex shall ever be allowed or exercised in the appointment of the employees of the system.

(f) The board shall delegate to each chancellor the necessary authority for the administration and operation of the institution within the policies and guidelines established by the board. The board may also delegate or rescind other authority to chancellors, committees of the board, administrative officers, members of the faculty and students or such other groups as it deems appropriate.

(gm) The board shall not create, except as specifically authorized by the legislature in each instance, any new college, school or its functional equivalent if such college, school or functional equivalent has academic programs at the graduate or professional, post-baccalaureate level.

1. For the purposes of this paragraph, college or school means an academic unit below the institutional level but above the departmental level, including but not limited to a graduate school, law school, medical school, social work school, architecture school, business school and a public administration school.

2. For the purposes of this paragraph, a new college or school shall be deemed to have been created if an administrative position of dean or its functional equivalent is established and if a new instructional program, separate and distinct from the programs currently available at that institution, is established.

3. This paragraph does not apply to the redesignation or reorganization of existing colleges or schools if accomplished through the reclassification of existing positions or the restructuring of existing organizational entities.

(h) The board shall allocate funds and adopt budgets for the respective institutions giving consideration to the principles of comparable budgetary support for similar programs and equitable compensation for faculty and academic staff with comparable training, experience and responsibilities and recognizing competitive ability to recruit and retain qualified faculty and academic staff. If the board ceases or suspends operation of any institution or college campus, the appropriations to the board for operation of the institution or college campus may be utilized by the board for any other purpose authorized by the appropriations within the period for which the appropriations are made.

(hm) The board shall develop policies for the purpose of specifically identifying the general purpose revenue and nongeneral purpose revenue funding sources used for noninstructional student activities and for the purpose of governing the allocation of funds to those noninstructional student activities supported by both general purpose and nongeneral purpose revenue.

(i) Upon recommendation of the president and the administrator of the division of merit recruitment and selection in the office of state employment relations, the board and the director of the office shall jointly adopt general policies governing the designation of positions to be exempt from the classified service as academic staff as defined in s. 36.15 (1) (a) and (b). No position in the classified service may be designated as an academic staff position under the general policies unless the director of the office of state employment relations approves the designation.

(j) Except where such matters are a subject of bargaining with a certified representative of a collective bargaining unit under s. 111.91, the board shall establish salaries for persons not in the classified staff prior to July 1 of each year for the next fiscal year, and shall designate the effective dates for payment of the new salaries. In the first year of the biennium, payments of the salaries established for the preceding year shall be continued until the biennial budget bill is enacted. If the budget is enacted after July 1, payments shall be made following enactment of the budget to satisfy the obligations incurred on the effective dates, as designated by the board, for the new salaries, subject only to the appropriation of funds by the legislature and s. 20.928 (3). This paragraph does not limit the authority of the board to establish salaries for new appointments. The board may not increase the salaries of employees specified in ss. 20.923 (5) and (6) (m) and 230.08 (2) (d) under this paragraph unless the salary increase conforms to the proposal as approved under s. 230.12 (3) (e) or the board authorizes the salary increase to correct salary inequities under par. (h), to fund job reclassifications or promotions, or to recognize competitive factors. The board may not increase the salary of any position identified in s. 20.923 (4g) under this paragraph unless the salary increase conforms to the proposal as approved under s. 230.12 (3) (e) or the board authorizes the salary increase to correct a salary inequity or to recognize competitive factors. The board may not increase the salary of any position identified in s. 20.923 (4g) (ae) and (am) to correct a salary inequity that results from the appointment of a person to a position identified in s. 20.923 (4g) (ae) and (am) unless the increase is approved by the office of state employment relations. The granting of salary increases to recognize competitive factors does not obligate inclusion of the annualized amount of the increases in the appropriations under s. 20.285 (1) for subsequent fiscal bienniums. No later than October 1 of each year, the board shall report to the joint committee on finance and the secretary of administration and director of the office of

state employment relations concerning the amounts of any salary increases granted to recognize competitive factors, and the institutions at which they are granted, for the 12-month period ending on the preceding June 30.

(k) 1. The board shall, with respect to academic staff, correct pay inequities based on gender or race.

2. The board shall do all of the following:

a. Establish and maintain job categories in which to place academic staff positions. The job categories shall be described in sufficient detail to enable the board to comply with subd. 1.

b. Establish and maintain pay ranges, each of which has a minimum and a maximum rate of pay and assign the job categories established under subd. 2. a. to those pay ranges. This subd. 2. b. does not apply to appointments under s. 36.13 (4).

(L) The board shall possess all powers necessary or convenient for the operation of the system except as limited in this chapter.

(2) THE PRESIDENT. (a) The president shall be president of all the faculties and shall be vested with the responsibility of administering the system under board policies and shall direct a central administration which shall assist the board and the president in establishing system-wide policies in monitoring, reviewing and evaluating these policies, in coordinating program development and operation among institutions, in planning the programmatic, financial and physical development of the system, in maintaining fiscal control and compiling and recommending educational programs, operating budgets and building programs for the board. Subject to par. (b), the president shall appoint each senior vice president, vice president, associate vice president and assistant vice president of the system. The president shall fix the term of office for each senior vice president, vice president, associate vice president and assistant vice president of the system.

(b) The sum of the number of senior vice presidents and vice presidents of the system that the president may appoint under par. (a) may not exceed 4.

(3) THE CHANCELLORS. (a) The chancellors shall be the executive heads of their respective faculties and institutions and shall be vested with the responsibility of administering board policies under the coordinating direction of the president and be accountable and report to the president and the board on the operation and administration of their institutions. Subject to board policy the chancellors of the institutions in consultation with their faculties shall be responsible for designing curricula and setting degree requirements; determining academic standards and establishing grading systems; defining and administering institutional standards for faculty peer evaluation and screening candidates for appointment, promotion and tenure; recommending individual merit increases; administering associated auxiliary services; and administering all funds, from whatever source, allocated, generated or intended for use of their institutions.

(b) The chancellor may designate a person as provost, to act as chief executive officer of the institution in the chancellor's absence, if the person currently holds a limited appointment as vice chancellor, associate chancellor, assistant chancellor, associate vice chancellor or assistant vice chancellor. The chancellor may not create an additional administrative position for the purpose of this paragraph.

(4) FACULTY. The faculty of each institution, subject to the responsibilities and powers of the board, the president and the chancellor of such institution, shall be vested with responsibility for the immediate governance of such institution and shall actively participate in institutional policy development. As such, the faculty shall have the primary responsibility for academic and educational activities and faculty personnel matters. The faculty of each institution shall have the right to determine their own faculty organizational structure and to select representatives to participate in institutional governance.

(4m) ACADEMIC STAFF. The academic staff members of each institution, subject to the responsibilities and powers of the board, the president and the chancellor and faculty of the institution, shall

be active participants in the immediate governance of and policy development for the institution. The academic staff members have the primary responsibility for the formulation and review, and shall be represented in the development, of all policies and procedures concerning academic staff members, including academic staff personnel matters. The academic staff members of each institution shall have the right to organize themselves in a manner they determine and to select their representatives to participate in institutional governance.

(5) STUDENTS. The students of each institution or campus subject to the responsibilities and powers of the board, the president, the chancellor and the faculty shall be active participants in the immediate governance of and policy development for such institutions. As such, students shall have primary responsibility for the formulation and review of policies concerning student life, services and interests. Students in consultation with the chancellor and subject to the final confirmation of the board shall have the responsibility for the disposition of those student fees which constitute substantial support for campus student activities. The students of each institution or campus shall have the right to organize themselves in a manner they determine and to select their representatives to participate in institutional governance.

**History:** 1973 c. 335; 1975 c. 39, 224; 1977 c. 196 ss. 130 (1), (2), 131; 1977 c. 418; 1979 c. 34 s. 2102 (29) (a); 1981 c. 20 s. 2202 (1) (a); 1983 a. 27 s. 2200 (15); 1983 a. 366; 1985 a. 29, 42, 45, 332; 1987 a. 4, 27, 340; 1989 a. 31, 336, 359; 1991 a. 39; 1997 a. 27 ss. 1156ad, 9456 (3m); 1997 a. 35, 237, 307; 1999 a. 42; 2001 a. 16, 104; 2003 a. 33 ss. 930, 931, 2811, 9160; 2003 a. 48 ss. 10, 11; 2003 a. 206 s. 23; 2003 a. 320; 2005 a. 25 ss. 695, 2493.

Sub. (5) gives student organizations, rather than the student body, the right to select representatives to participate in institutional governance. Student Association of U.W.—Milwaukee v. Baum, 74 Wis. 2d 283, 246 N.W.2d 622 (1976).

The Board of Regents has no authority to provide a deferred salary plan for employees other than through the state teachers retirement system or the Wisconsin retirement fund. 61 Atty. Gen. 6.

A ruling by the chancellor of the University of Wisconsin—Eau Claire denying a request to conduct door-to-door solicitation in residence halls did not violate constitutional rights. 61 Atty. Gen. 373.

A classified audit fee structure may be established by university regents using age for classification purposes. 62 Atty. Gen. 1.

The leasing of university buildings to a religious congregation during nonschool days and hours on a temporary basis while the congregation's existing facility is being renovated and leasing convention space to a church conference would not violate the separation of church and state provisions of the First Amendment to the U.S. Constitution and Art. I, s. 18. 63 Atty. Gen. 374.

Regents should identify how compulsory fees will be used to necessarily and conveniently further the objects of the university before approving a segregated fee, under s. 37.11 (8) (1971 Stats.), to finance a legal services program for Oshkosh Student Association. Regent's duties are unchanged under sub. (5). 63 Atty. Gen. 385.

A Board of Regents' proposed one percent raise of the pay range minima and maxima of academic staff required the prior approval of the secretary of employment relations. 80 Atty. Gen. 138.

The financing of student organizations through mandatory student fees does not violate the 1st amendment if viewpoint neutrality is the operational principal. Board of Regents v. Southworth, 529 U.S. 217, 146 L. Ed. 2d 193 (2000).

With one exception, the university's system, as required by Southworth, for distributing compelled fees collected from university students to student groups that delegates funding decisions to the student government was subject to sufficient limits. Southworth v. Board of Regents of the University of Wisconsin System, 307 F.3d 566 (2002).

### 36.11 Powers and duties of the board of regents.

(1) PROTECTION OF PEOPLE; CUSTODY AND MANAGEMENT OF PROPERTY. (a) The board may promulgate rules under ch. 227 to protect the lives, health and safety of persons on property under its jurisdiction and to protect such property and to prevent obstruction of the functions of the system. Any person who violates any rule promulgated under this paragraph may be fined not more than \$500 or imprisoned not more than 90 days or both.

(b) Except as provided in this paragraph, the board may purchase, have custody of, hold, control, possess, lease, grant easements and enjoy any lands, buildings, books, records and all other property of any nature which may be necessary and required for the purposes, objects and uses of the system authorized by law. Any lease is subject to the powers of the University of Wisconsin Hospitals and Clinics Authority under s. 233.03 (13) and the rights of the authority under any lease agreement, as defined in s. 233.01 (6). The board shall not permit a facility that would be privately owned or operated to be constructed on state-owned land without obtaining prior approval of the building commission under s.

13.48 (12). The board may sell or dispose of such property as provided by law, or any part thereof when in its judgment it is for the best interests of the system and the state. All purchases and sales of real property shall be subject to the approval of the building commission. The provision of all leases of real property to be occupied by the board shall be the responsibility of the department of administration under s. 16.84 (5).

(c) The board may promulgate rules under ch. 227 for the management of all property under its jurisdiction, for the care and preservation thereof and for the promotion and preservation of the orderly operation of the system in any or all of its authorized activities and in any or all of its institutions with forfeitures for their violation, which may be sued for and collected in the name of the board before any court having jurisdiction of such action. Forfeitures shall not exceed \$500.

(cm) The board shall promulgate rules under ch. 227 prescribing the times, places and manner in which political literature may be distributed and political campaigning may be conducted in state-owned residence halls. No such rule may authorize any activity prohibited under s. 11.36 (3) or (4).

(d) All fines imposed and collected under this subsection shall be transmitted to the county treasurer for disposition in accordance with s. 59.25 (3) (f) and (j). All forfeitures, including forfeitures of posted bail if any, imposed and collected under this subsection shall be transmitted to the county treasurer for disposition in accordance with ss. 778.13 and 778.17.

(e) The board, with the approval of the building commission, may sell or lease state-owned residence halls to another state agency or nonstate nonprofit agency for purposes of alternate use.

**Cross Reference:** See also chs. UWS 18 and 21, Wis. adm. code.

**(2) POLICE AUTHORITY.** (a) The board shall have concurrent police power, with other authorized peace officers, over all property subject to its jurisdiction, and all property contiguous to such property at the University of Wisconsin–Parkside if owned by a nonprofit corporation the primary purpose of which, as determined by the board, is to benefit the system. Such concurrent police authority shall not be construed to reduce or lessen the authority of the police power of the community or communities in which a campus may be located. All campus police officers shall cooperate with and be responsive to the local police authorities as they meet and exercise their statutory responsibilities. The designated agents of the board may arrest, with or without warrant, any person on such property who they have reasonable grounds to believe has violated a state law or any rule promulgated under this chapter and deliver such person to any court having jurisdiction over the violation and execute a complaint charging such person with the violation. This subsection does not impair the duty of any other peace officers within their jurisdictions to arrest and take before the proper court persons found violating any state law on such property.

(b) The board may employ police for the institutions and chiefs to head such police, or contract for police, all of whom shall be deemed peace officers under s. 939.22 (22) under the supervision and control of the appropriate chancellor or the chancellor's designees. Such police officers shall meet the minimum standards established for other police officers by the law enforcement standards board or a comparable agency. Such police shall preserve the peace on all property described under par. (a), enforce all rules promulgated under this chapter and all other laws, and for that purpose the chancellor or the chancellor's designee may call for aid from such other persons as is deemed necessary.

**Cross Reference:** See also ch. UWS 18, Wis. adm. code.

**(3) ADMISSION OF APPLICANTS.** (a) The board shall establish the policies for admission within the system and within these policies each institution shall establish specific requirements for admission to its courses of instruction. No sectarian or partisan tests or any tests based upon race, religion, national origin of U.S. citizens or sex shall ever be allowed in the admission of students thereto.

(b) The board shall establish policies for the appropriate transfer of credits between institutions within the system, including the designation of those courses which shall be transferable between and within institutions without loss of credit toward graduation or toward completion of a specific course of study.

(c) The board may establish policies for the appropriate transfer of credits with other educational institutions outside the system.

(cm) The board shall establish and maintain a computer-based credit transfer system that shall include, but not be limited to, the following:

1. All transfers of credit between institutions within the system.
2. Program-specific course requirements in the system.
3. Technical college collegiate transfer program offerings, as defined in s. 38.01 (3).
4. Other courses for which the transfer of credits is accepted under par. (b) or (c).

(d) 1. Except as provided in subd. 2., the board shall require that a \$35 fee accompany each application for admittance from persons seeking admittance to any school within the system as new freshmen or as transfer students from outside the system. The board may exempt from the fee under this subdivision, on the basis of financial need, a maximum of 5% of the applications in any school year.

2. The board shall require that a \$45 fee accompany each application for admittance to a graduate school, law school or medical school within the system.

3. Of the fee received with each application under subds. 1. and 2., the board shall provide \$3 for the support of the higher education location program under s. 36.25 (36).

**(4) INJUNCTIVE RELIEF.** The board may obtain injunctive relief to enforce this chapter or any rules promulgated under this chapter.

**(5) INSURANCE.** (a) The board may procure liability insurance covering the members of the board, any officer, employee or such students whose activities may constitute an obligation or responsibility of the system.

(b) The board may procure insurance to cover injuries sustained by students as a result of their participation in intercollegiate athletics. The board may not use general purpose revenue to pay for such insurance. With respect to any of the risks to be covered by the insurance, the board may contract for the services of a claims administrator and may obtain coverage by any combination of self-insurance, excess or stop-loss insurance or blanket insurance.

**(6) FINANCIAL AIDS.** (a) The board may:

1. Make grants to students from funds budgeted to or controlled by the system and formulate policies and promulgate rules for the grants.

2. Make grants equivalent in value to the payment of incidental fees to disabled residents of the state who are recommended and supervised by the department of workforce development under s. 47.02.

(b) The board may not make a grant under par. (a) to a person whose name appears on the statewide support lien docket under s. 49.854 (2) (b), unless the person provides to the board a payment agreement that has been approved by the county child support agency under s. 59.53 (5) and that is consistent with rules promulgated under s. 49.858 (2) (a).

(c) By April 10, 1998, and annually thereafter, the board shall develop and submit to the higher educational aids board for its review under s. 39.285 (1) a proposed formula for the awarding of grants under s. 39.435, except for grants awarded under s. 39.435 (2) or (5), for the upcoming academic year to students enrolled in the system.

**(7) CONFER DEGREES.** The board may confer such degrees and grant such diplomas as are usual in universities or as it deems appropriate.

**(8) PARKING RULES.** (a) The board may make general policies and shall authorize the chancellors to adopt rules regulating the parking of motor vehicles on property under their jurisdiction. Such rules shall not be subject to ch. 227.

(b) The board shall establish fines for the violation of any rule made under par. (a). The institutions are authorized to collect such fines together with moneys collected from the sale of parking permits and other fees established under par. (a) and such moneys shall be paid into the state treasury and credited to s. 20.285 (1) (h), to be used only for the purpose of developing and operating parking or other transportation facilities at the institution at which collected and for enforcing parking rules under par. (a).

**Cross Reference:** See also s. UWS 18.05, Wis. adm. code.

**(8e) PARKING FEES.** The board shall direct each institution within the system to charge a parking fee for the parking of motor vehicles by students, faculty, academic and classified staff and visitors at campus. The board shall require the fee to be sufficient to recover the costs of the construction and maintenance necessary for the parking facilities. Nothing in this paragraph shall be deemed to require the recovery of the costs of land for parking facilities. Nothing in this paragraph shall be deemed to require that all users of the parking facilities be charged a parking fee. College campus facilities owned by a county are not required to charge a parking fee.

**Cross Reference:** See also s. UWS 18.06, Wis. adm. code.

**(8m) TRANSPORTATION PLANNING.** The board shall direct the administrative officers of each campus to work with the regional planning commissions and the local authorities of the community in which the campus is located to evaluate the transportation needs of the campus population. The board shall require each campus to develop a transportation plan for the campus to effect energy resource conservation and efficient use of transportation resources. The plan shall include pedestrian walkways, bikeways, bike routes, bicycle storage racks, car and van pools and, to the extent feasible, improved mass transit services. The transportation plans shall detail parking management strategies which provide incentives for the use of mass transit and high occupancy vehicles.

**(9) CONDEMNATION.** The board may acquire by condemnation proceedings under ch. 32 such parcels of land as it deems necessary for the use of any institution whenever the board is unable to agree with the owner upon the compensation therefor, or whenever the absence or legal incapacity of such owner, or other cause, prevents or unreasonably delays, such agreement.

**(10) UNIVERSITY FUND.** The board may expend such portion of the income of the university fund on or at the University of Wisconsin–Madison as is appropriated by the legislature for the erection of buildings and the purchase of equipment or books.

**(11) SURPLUS MONEY.** The board may invest any of the surplus money designated in s. 20.285 (1) (h) in such securities as are legal for trust fund investments; or invest such funds or any part thereof, in the senior or junior bonds or obligations which may be issued by such nonprofit–sharing corporation as may be contracted with by the board for the construction or equipment of dormitories, commons or field houses, which bonds or obligations shall be secured by a mortgage or pledge of the buildings or improvements erected or to be erected by such corporations and by a mortgage or pledge of its leasehold interest. Any interest on any of such bonds or securities shall when received be added to the revolving funds and may be used for the purposes set forth in this subsection.

**(12) LIBRARY DEPOSITORY.** (a) The board may participate in the formation and maintenance of a nonprofit–sharing corporation sponsored by participating colleges, universities and libraries for the purpose of providing and operating a central library depository at a location in a midwestern state for the storage of little used books and other library and research materials of participating

institutions, and which corporation may also perform other functions for the benefit of participating institutions such as, without limitation because of enumeration, the correlating of library catalogs of the participating institutions, the coordinating and planning of the purchasing by each institution of costly or infrequently used books and research materials in order to avoid unnecessary duplication and facilitating the loaning of library books and other library and research materials between participating institutions. The board shall possess all powers necessary or convenient to accomplish the foregoing, including the authority to designate representatives or members of such corporation in accordance with its articles and bylaws.

(b) The board may make use of and pay for the use of the facilities and services of such nonprofit–sharing corporation, but the board shall retain title to all books and materials deposited with such corporation for storage or loaned to other participating institutions and the authority of the board to expend funds for the purchase of land, the construction of buildings and additions to buildings and the purchase of equipment for the purpose of providing such facilities shall be limited to funds appropriated under s. 20.285. Except as hereinbefore provided, the appropriations to the board are to be available for the purposes of this subsection to the extent that such appropriation may be applicable and without reference to whether any particular appropriation is available for expenditure at any institution.

**(13) AUXILIARY RESERVES.** Auxiliary enterprise reserve funds established prior to merger of this state's public institutions of higher education for the benefit or support of an institution or group of institutions shall not be utilized for any other purpose.

**(15) TAX DEFERRED ANNUITIES.** The board may continue all salary reduction agreements with its employees pursuant to section 403 (b) of the internal revenue code. The board may enter into new salary reduction agreements with its employees pursuant to section 403 (b) of the internal revenue code or other applicable federal law and may purchase annuities for its employees pursuant to these agreements from such annuity providers, both public and private, as the board deems appropriate.

**(15m) FOOTBALL COACHES PENSION PLAN.** The board may deduct contributions from the salaries of football coaches employed in the system who are eligible and wish to participate in the qualified pension plan for football coaches established as the American football coaches retirement trust, and remit the deductions to the administrator of that plan, if the American football coaches retirement trust or the administrator or agent of the plan indemnifies the board and its employees against, and holds the board and its employees harmless from, all claims and demands associated with the plan.

**(16) COMMENCEMENT OF FALL SEMESTER.** The board shall ensure that no fall semester classes at any institution, except medical school classes and 4th year classes at the school of veterinary medicine, commence until after September 1.

**(17) SABBATICAL LEAVE FOR INSTRUCTIONAL FACULTY.** The board may grant sabbatical leave of up to one year to instructional faculty, in order to recognize and enhance teaching efforts and excellence, under rules and procedures adopted by the board, subject to the following conditions:

(a) Sabbatical leave may be granted only to those faculty members who have completed 6 or more years, or the equivalent, of full-time instructional service in the system.

(b) Only one sabbatical leave may be granted for each 6 years of full-time instructional service in the system with preference given to those who have been making significant contributions to teaching and have not had a leave of absence except under s. 103.10, regardless of source of funding, in the previous 4 years.

(c) Sabbatical leave shall be granted for the purposes of enhancing teaching, course and curriculum development or conducting research or any other scholarly activities related to

instructional programs within the field of expertise of the faculty member taking such leave.

(d) Sabbatical leave shall be approved by appropriate faculty and administrative committees.

(e) A faculty member shall receive compensation while on sabbatical leave, but such compensation, when combined with outside compensation earned while on leave, shall not exceed the full compensation normally received from the system.

(f) The faculty member taking a sabbatical leave shall agree to return to the institution from which leave was granted for at least one year after the termination of the sabbatical or return any compensation received from the system during the sabbatical.

(g) Funding for the sabbatical leave program shall be provided from the existing general operations appropriation for the system.

**(18) MIDWEST TECHNOLOGY DEVELOPMENT INSTITUTE.** The board may maintain membership of this state in the midwest technology development institute.

**(19) FURNISHING OF SERVICES TO SCHOOL DISTRICTS.** (a) The board may furnish, and school districts may accept, services for educational study and research projects and they may enter into contracts under s. 66.0301 for that purpose.

(b) A group of school districts, if authorized by each school board, may form a nonprofit-sharing corporation to contract with the state or the board for the furnishing of the services specified in par. (a).

(c) The corporation shall be organized under ch. 181 and shall have the powers there applicable. Members of the school boards specified in par. (b) may serve as incorporators, directors and officers of the corporation.

(d) The property of the corporation shall be exempt from taxation.

(e) The corporation may receive gifts and grants and be subject to their use, control and investment as provided in s. 118.27, and the transfer of the property to the corporation shall be exempt from income, franchise and death taxes.

**(21) CONTROLLED SUBSTANCES AND CONTROLLED SUBSTANCE ANALOGS; DISCIPLINE.** Any student who engages in an activity, on campus or at an event sponsored by a college campus or institution or by the system, that constitutes a violation of ch. 961 is subject to nonacademic misconduct disciplinary sanctions, as provided by the board by rule. In determining the appropriate sanction, the board or its designee shall consider those penalties, including suspension and expulsion, that will contribute most effectively to maintaining a system environment that is free from controlled substances, as defined in s. 961.01 (4), and controlled substance analogs, as defined in s. 961.01 (4m).

**(22) ORIENTATION PROGRAM; INFORMATION ON SEXUAL ASSAULT AND SEXUAL HARASSMENT.** (a) The board shall direct each institution and college campus to:

1. Incorporate in its orientation program for newly entering students oral and written or electronic information on sexual assault and sexual harassment, as defined in s. 111.32 (13), including information on sexual assault by acquaintances of the victims and on all of the following:

a. The legal definitions of, and penalties for, sexual assault under ss. 940.225, 948.02 and 948.025, sexual exploitation by a therapist under s. 940.22 and harassment under s. 947.013.

b. Generally available national and state statistics, and campus statistics as compiled under par. (c) and as reported under par. (d), on sexual assaults and on sexual assaults by acquaintances of the victims.

c. The rights of victims under ch. 950 and the services available at the institution or college campus and in the community to assist a student who is the victim of sexual assault or sexual harassment.

d. Protective behaviors, including methods of recognizing and avoiding sexual assault and sexual harassment and locations

in the community where courses on protective behaviors are provided.

2. Annually supply to all students enrolled in the institution or college campus printed or electronic material that includes all of the information under par. (a).

(b) Annually, the board shall submit a report to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3). The report shall indicate the methods each institution and college campus have used to comply with par. (a).

(c) Any person employed at an institution who witnesses a sexual assault on campus or receives a report from a student enrolled in the institution that the student has been sexually assaulted shall report to the dean of students of the institution. The dean of students shall compile reports for the purpose of disseminating statistical information under par. (a) 1. b.

(d) Annually, each institution shall report to the office of justice assistance in the department of administration statistics on sexual assaults and on sexual assaults by acquaintances of the victims that occurred on each campus of the institution in the previous year. The office of justice assistance shall include the statistics in appropriate crime reports published by the office.

**(23) BOARD STAFF.** The board shall provide office space, furnishings and supplies for the staff provided by the department of administration under s. 16.57.

**(23m) COMPLIANCE WITH ENVIRONMENTAL LAWS.** The board shall designate 2 positions, funded from the appropriation under s. 20.285 (3) (a), to coordinate system compliance with state and federal laws relating to the environment.

**(24) STATE DOCUMENTS.** The board shall assure that each campus identifies and collects significant state documents, as defined in s. 35.81 (3), relating to administration and academic programs of that campus. The board shall provide for the identification and collection of significant state documents, as defined in s. 35.81 (3), published by the board or the system administration.

**(25) TRAINING OF HEALTH PROFESSIONALS.** The board shall promote public awareness of, access to and training of health professionals for rural and underserved urban areas.

**(26) BUILDING PROGRAM PLANNING AND APPROVAL.** The board shall establish a process for submission of building projects to the building commission for approval. No building project for the system may be submitted by the board to the building commission unless the project is developed and approved by the board in conformity with this subsection. This subsection does not apply to building projects of the University of Wisconsin Hospitals and Clinics Authority.

**(27) CONDITION ON FINANCIAL ASSISTANCE.** The board may not provide any state financial assistance under this chapter to any person during the period that the person is required to register with the selective service system under 50 USC, Appendix, sections 451 to 473 if the person has not so registered.

**(28) LEASE AGREEMENT WITH THE UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS AUTHORITY.** Subject to 1995 Wisconsin Act 27, section 9159 (2) (k), the board shall negotiate and enter into a lease agreement with the University of Wisconsin Hospitals and Clinics Authority that meets the requirements under s. 233.04 (7) and shall comply with s. 233.04 (7g).

**(28m) AFFILIATION AGREEMENT WITH THE UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS AUTHORITY.** Subject to 1995 Wisconsin Act 27, section 9159 (2) (k), the board shall negotiate and enter into an affiliation agreement with the University of Wisconsin Hospitals and Clinics Authority that meets the requirements under s. 233.04 (7m) and shall comply with s. 233.04 (7p).

**(29) OTHER AGREEMENTS WITH THE UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS AUTHORITY.** The board may enter into joint purchasing contracts and other contracts, rental agreements and cooperative agreements and other necessary arrangements with the University of Wisconsin Hospitals and Clinics Authority

which may be necessary and convenient for the missions, objects and uses of the University of Wisconsin Hospitals and Clinics Authority authorized by law. Purchasing contracts and agreements are subject to s. 16.73 (5).

**(29m) REPORT ON EXPENDITURES.** Beginning in the 1996–97 fiscal year, annually the board shall report to the department of administration and the joint committee on finance the amount of expenditures from the appropriations under s. 20.285 (1) (h) and (iz) and (3) (iz) in the previous fiscal year that were in excess of the dollar amounts shown in the appropriation schedule under s. 20.005 (3) for those appropriations in the previous fiscal year.

**(30) INFORMATION TECHNOLOGY REPORTS.** The board shall prepare and submit reports to the joint committee on information policy and technology upon request of the committee under s. 13.58 (5) (b) 3.

**(32) COMPUTER SERVICES DATA COLLECTION.** The board shall collect and maintain data necessary to calculate numerical measures of the efficiency and effectiveness of the mainframe computer services provided by the board at the University of Wisconsin–Madison.

**(33) REPORT ON MANAGEMENT AND STAFF POSITIONS.** (a) The board shall categorize each position in the system as either a management position or a staff position. The board shall define “management” and “staff” for the purposes of this paragraph.

(b) By January 1, 1998, and annually thereafter by January 1, the board shall submit a report to the joint committee on finance that includes all of the following:

1. The definitions of “management” and “staff” used by the board under par. (a).
2. A list of the position titles in each category.
3. The criteria used by the board to categorize the positions.
4. The current number of authorized positions in each category at each campus.

**(36) AQUACULTURE DEMONSTRATION FACILITY.** The board, in consultation with representatives of the aquaculture industry, shall operate the aquaculture demonstration facility authorized under 1999 Wisconsin Act 9, section 9107 (1) (i) 3.

**(36m) SCHOOL SAFETY RESEARCH.** The board shall direct the schools of education and other appropriate research-oriented departments within the system, to work with the technical college system board under s. 38.04 (27), school districts, private schools and the department of public instruction to present to school districts and private schools the results of research on models for and approaches to improving school safety and reducing discipline problems in schools and at school activities.

**(37) EXTENSION LOCAL PLANNING PROGRAM.** The board shall offer a local planning program through the extension to educate local policymakers about local planning and the grant program under s. 16.965.

**(39) GAYLORD NELSON CHAIR OF INTEGRATED ENVIRONMENTAL STUDIES.** The board shall establish the Gaylord Nelson chair of integrated environmental studies and seek private funding for this chair.

**(40) CENTER FOR COOPERATIVES.** The board shall maintain a center for cooperatives at the University of Wisconsin–Madison.

**(43) PROGRAMMING AT UNIVERSITY OF WISCONSIN–GREEN BAY.** The board shall ensure that the University of Wisconsin–Green Bay implements programming that is jointly developed by the University of Wisconsin–Green Bay and the Oneida Tribe.

**(44) REPORT ON COURSES.** By October 31, 2001, and annually by October 31 thereafter, the board shall submit a report to the cochairpersons of the joint committee on finance that contains the number and type of, and the number of students enrolled in, each course offered by the system for which the academic fees or tuition charged equals at least 100% of the cost of offering the course.

**(46) FOND DU LAC AVENUE CORRIDOR STUDY.** The board shall ensure that the Center for Economic Development at the Univer-

sity of Wisconsin–Milwaukee completes an economic development study of the Fond du Lac Avenue corridor from North Avenue to Capitol Drive in Milwaukee.

**(47) ARMED FORCES.** If a student who is a member of a national guard or a member of a reserve unit of the U.S. armed forces withdraws from school after September 11, 2001, because he or she is called into state active duty or into active service with the U.S. armed forces for at least 30 days, the board shall reenroll the student beginning in the semester in which he or she is discharged, demobilized, or deactivated from active duty or the next succeeding semester, whichever the student prefers, shall give the student the same priority in registering for courses that the student would have had if he or she had registered for courses at the beginning of the registration period, and, at the student’s request, do one of the following for all courses from which the student had to withdraw:

**NOTE:** Sub. (47) (intro.) is affected by 2005 Wis. Acts 324 and 470. The 2 treatments are mutually inconsistent. Sub. (47) (intro.) is shown as affected by the last enacted act, 2005 Wis. Act 470. As affected by 2005 Wis. Act 324, it reads:

**(47) ARMED FORCES.** If a student who is a member of a national guard or a member of a reserve unit of the U.S. armed forces withdraws from school after September 11, 2001, because he or she is called into state active duty or into active service with the U.S. armed forces for at least 30 days, the board shall reenroll the student beginning in the semester following his or her discharge from active duty or the next succeeding semester, whichever the student prefers, and, at the student’s request, do one of the following for all courses from which the student had to withdraw:

(a) Reimburse the student all tuition and fees paid for all the courses and a prorated portion of room and board payments.

(b) Grant the student an incomplete in all the courses and permit the student to complete the courses, within 6 months after leaving state service or active service, without paying additional tuition or fees.

**(48) REPORT ON UTILITY CHARGES; ASSESSMENT OF CERTAIN UTILITY CHARGES.** The board shall ensure that the University of Wisconsin–Madison reports annually to the department of administration on utility charges in the following fiscal year to fund principal and interest costs incurred in purchasing the Walnut Street steam and chilled–water plant enumerated under 2003 Wisconsin Act 33, section 9106 (1) (g) 2., and the methodology used to calculate those charges. The board may not assess the utility charges until the charges are approved by the department of administration.

**(49) TELECOMMUNICATIONS SERVICES.** The board may use telecommunications services, including data and voice over Internet services, procured by the board only for the purpose of carrying out its mission. The board shall not offer, resell, or provide telecommunications services, including data and voice over Internet services, that are available from a private telecommunications carrier to the general public or to any other public or private entity.

**(50) RESERVE OFFICER TRAINING CORPS.** The board may not allocate general purpose revenue for the operation of an institution or college campus that prohibits the reserve officer training corps from operating on its campus.

**(51) AUTOMOBILE ALLOWANCE.** The board may not use general purpose revenue, tuition, or academic fees for the president’s or the chancellors’ automobile allowance.

**(52) MIDWESTERN HIGHER EDUCATION COMPACT DUES.** The board shall make full annual payments of membership dues to the Midwestern Higher Education Compact.

**History:** 1973 c. 335; 1975 c. 39, 41, 224, 400; 1977 c. 29, 418; 1979 c. 32 s. 92 (8); 1979 c. 221; 1981 c. 20; 1983 a. 27, 366; 1983 a. 435 s. 7; 1983 a. 484; 1985 a. 62, 120; 1985 a. 332 ss. 47, 49, 50; 1985 a. 332 s. 251 (1); 1987 a. 27, 287; 1989 a. 31, 56, 121, 177, 359; 1991 a. 39, 203, 250, 269, 285, 315; 1993 a. 16, 213, 227, 399; 1995 a. 27 ss. 1757 to 1762y, 9130 (4); 1995 a. 201, 404, 448; 1997 a. 3, 27, 128, 237; 1999 a. 9, 29; 1999 a. 150 ss. 7, 351; 2001 a. 16, 22; 2003 a. 33, 69, 149, 282; 2005 a. 25, 253, 324, 470.

The Board of Regents has the power to make reasonable rules governing student use of automobiles on university property and can enforce them by imposing reasonable monetary penalties and withholding records. A student court can be designated by the board of regents as an auxiliary enterprise. Moneys collected must be paid into the general fund. By regent action, they may be appropriated therefrom for operation of that activity. 59 Atty. Gen. 82.

The collective bargaining agreement between the University of Wisconsin and the teaching assistants association is valid. 59 Atty. Gen. 200.

A valid collective bargaining contract between the Board of Regents and the union representing unclassified employees may not be impaired, during its term, by the current or a future Board of Regents or the legislature. 60 Atty. Gen. 64.

The legality of student and faculty voting participation on the Board of Regents is discussed. 60 Atty. Gen. 395.

The University of Wisconsin System may sell a dormitory that no longer is needed for educational purposes upon terms that are agreeable to the Wisconsin state agencies building corporation and H.U.D. to guarantee the payment of the bonds issued for the initial construction of the building. 63 Atty. Gen. 252.

Campus police have jurisdiction under sub. (2) to arrest only on campuses unless deputized by a sheriff. Local ordinances are not applicable on campus. 68 Atty. Gen. 67.

**36.12 Student discrimination prohibited. (1)** No student may be denied admission to, participation in or the benefits of, or be discriminated against in any service, program, course or facility of the system or its institutions because of the student's race, color, creed, religion, sex, national origin, disability, ancestry, age, sexual orientation, pregnancy, marital status or parental status.

**(2)** (a) The board shall direct each institution to establish policies and procedures to protect students from discrimination under sub. (1). The policies and procedures shall do all of the following:

1. Provide criteria for determining whether sub. (1) has been violated.

2. Provide remedies and sanctions for violations of sub. (1).

3. Require a complainant to file a complaint with the institution within 300 days of the alleged violation of sub. (1).

4. Provide periods within which the complainant and the institution must act for each procedural step leading to the issuance of a final decision and for appeal of the final decision to the chancellor of the institution.

(b) The board shall establish policies and procedures for the appeal of the chancellor's or dean's decision to the board.

**(3)** By September 1, 1991, 1992, 1993, and 1994, the board shall submit a report to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3). The report shall specify all of the following for the previous academic year:

(a) The number of complaints received at each institution alleging a violation of sub. (1) and the disposition of each such complaint.

(b) The number of requests for review received by the board and the disposition of each such request.

**History:** 1989 a. 186; 1997 a. 237.

The exclusion of contraceptives from an employer or college or university sponsored benefits program that otherwise provides prescription drug coverage violates Wisconsin law prohibiting sex discrimination in employment and in higher education, ss. 111.31 to 111.395, 36.12, and 38.23. OAG 1–04.

Student body diversity is a compelling state interest that can justify the use of race in university admissions. A race-conscious admissions program cannot use a quota system, but may consider race or ethnicity as a plus factor for an applicant, without insulating the individual from comparison with all other candidates for the available seats. An admissions program must be flexible enough to consider all pertinent elements of diversity in light of the particular qualifications of each applicant, and to place them on the same footing for consideration, although not necessarily according them the same weight. Race-conscious admissions policies must be limited in time. *Grutter v. Bollinger*, 539 U.S. 306, 123 S. Ct. 2325 (2003). See also *Gratz v. Bollinger*, 539 U.S. 244, 156 L. Ed. 2d 304, 123 S. Ct. 2411 (2003).

### 36.13 Faculty tenure and probationary appointments.

**(1) DEFINITIONS.** In this section:

(a) "Probationary appointment" means an appointment by the board held by a faculty member during the period which may precede a decision on a tenure appointment.

(b) "Tenure appointment" means an appointment for an unlimited period granted to a ranked faculty member by the board.

**(2) APPOINTMENTS.** (a) Except as provided under par. (b), the board may grant a tenure appointment only upon the affirmative recommendation of the appropriate chancellor and the appropriate academic department or its functional equivalent. Neither the chancellor nor the academic department or its functional equivalent may base a tenure recommendation upon impermissible factors, as defined by the board by rule.

(b) The board may grant a tenure appointment without the affirmative recommendation of the appropriate academic department or its functional equivalent if all of the following apply:

1. The board has the affirmative recommendation of the appropriate chancellor.

2. A faculty committee authorized by the board by rule to review the negative recommendation of the academic department or its functional equivalent finds that the decision of the academic department or its functional equivalent was based upon impermissible factors, as defined by the board by rule.

3. The board has the affirmative recommendation of a committee appointed according to the policies and procedures of the appropriate institution to review the individual's record with reference to criteria for tenure published by the institution under procedures established by the board by rule. No person may be appointed to the committee under this subdivision unless the person is knowledgeable or experienced in the individual's academic field or in a substantially similar academic field. No member of the committee appointed under this subdivision may be a member of the academic department, or its functional equivalent, that made the negative recommendation. The committee appointed under this subdivision may not base its tenure recommendation upon impermissible factors, as defined by the board by rule.

(c) A tenure appointment may be granted to any ranked faculty member who holds or will hold a half-time appointment or more. The proportion of time provided for in the appointment may not be diminished nor increased without the mutual consent of the faculty member and the institution subject only to sub. (5) and s. 36.21.

(d) A probationary appointment shall not exceed 7 consecutive academic years in a full-time position in an institution. A leave of absence, sabbatical or a teacher improvement assignment does not constitute a break in continuous service and shall not be included in the 7-year period. The board may promulgate rules specifying additional circumstances that do not constitute a break in continuous service and that shall not be included in the 7-year period.

**(3) RULES.** The board and its several faculties after consultation with appropriate students shall promulgate rules for tenure and probationary appointments, for the review of faculty performance and for the nonretention and dismissal of faculty members. Such rules shall be promulgated under ch. 227.

**(4) CONTINUATION OF APPOINTMENT.** (a) Any person who holds a tenure appointment under ch. 36, 1971 stats. and ch. 37, 1971 stats., and related rules on July 9, 1974 shall continue to hold tenure as defined under those chapters and related rules.

(b) Any person who holds the equivalent of a probationary appointment under ch. 36, 1971 stats., and ch. 37, 1971 stats., and related rules on July 9, 1974 shall continue to enjoy the contractual rights and guarantees as defined under those chapters and related rules, and may elect to be considered for tenure according to the procedures existing under that appointment or under sub. (2).

(c) Any person who is not a ranked faculty member on August 15, 1991, and who is also described under subd. 1. or 2. shall be treated as a faculty member with the rank of associate professor for all purposes:

1. Any person who held an unranked faculty tenure appointment or unranked faculty concurrent tenure appointment under ch. 37, 1971 stats., prior to July 10, 1974.

2. Any person who held an unranked probationary appointment under ch. 37, 1971 stats., prior to July 10, 1974, and who subsequently received an unranked faculty tenure appointment or unranked faculty concurrent tenure appointment.

**(5) PROCEDURAL GUARANTEES.** Any person having tenure may be dismissed only for just cause and only after due notice and hearing. Any person having a probationary appointment may be dismissed prior to the end of the person's contract term only for just cause and only after due notice and hearing. The action and deci-

sion of the board in such matters shall be final, subject to judicial review under ch. 227. The board and its several faculties shall develop procedures for the notice and hearing which shall be promulgated by rule under ch. 227.

**(6) LIMITATION.** Tenure and probationary appointments are in a particular institution. A tenure appointment is limited to the institution in which the appointment is held.

**History:** 1973 c. 335; 1983 a. 189; 1985 a. 332 s. 251 (1); 1987 a. 403 s. 256; 1989 a. 31; 1991 a. 39, 118.

**Cross Reference:** See also chs. UWS 3, 4, 5, 6, and 19, Wis. adm. code.

The due process rights of a tenured professor who was alleged to have resigned were not protected by a hearing to determine eligibility for unemployment compensation. *Patterson v. University Board of Regents*, 119 Wis. 2d 570, 350 N.W.2d 612 (1984).

The board did not have authority to grant tenure without the affirmative recommendation of the appropriate academic department. *Trojan v. Board of Regents*, 128 Wis. 2d 270, 382 N.W.2d 75 (Ct. App. 1985).

This section specifically authorizes the board to adopt termination procedures and the board has adopted administrative rules that lay out the process to be applied in faculty dismissal cases. While sub. (5) provides that dismissal decisions are reviewed under ch. 227, other provisions of ch. 227 do not apply to faculty dismissal cases and the administrative rules do. *Marder v. Board of Regents of the University of Wisconsin System*, 2005 WI 159, 286 Wis. 2d 252, 706 N.W.2d 110, 03–2755.

Under s. 37.31, Stats. 1971, the faculty acquires tenure in the system as distinct from tenure at one particular institution within the system. 60 Atty. Gen. 116.

A nontenured teacher who is not rehired has no constitutional right to a statement of the reason for not renewing his or her contract nor to a hearing on the matter. *Board of Regents v. Roth*, 408 U.S. 564.

### 36.14 Wisconsin distinguished professorships.

**(1)** The board may establish distinguished professorships under this section.

**(2)** The board may pay under this section the salary and fringe benefit costs of the professor holding the distinguished professorship and of any graduate assistant assigned to the professor, and the equipment, supplies and travel costs of the professor and the graduate assistants assigned to the professor.

**(3)** The board may pay the costs specified under sub. (2) only from the appropriations under s. 20.285 (1) (a), (am) and (jm). The board may pay any of the costs specified under sub. (2) from the appropriation under s. 20.285 (1) (jm). The board may pay from the appropriation under s. 20.285 (1) (am) only the salary and fringe benefit costs of the professor but may not pay more than 50% of those costs from that appropriation. Annually the board shall report to the department of administration all expenditures from the appropriation under s. 20.285 (1) (a) made for the purposes of this section.

**(4)** The board shall ensure that at least 3 of the professors awarded distinguished professorships under this section after August 9, 1989, are not employed by the board when they are awarded the professorships.

**History:** 1987 a. 27; 1989 a. 31.

### 36.15 Academic staff appointments. (1) DEFINITIONS. In this section:

(a) “Administrative appointment” means an academic staff appointment for a fixed or indefinite term granted to a system, campus, college, school or other divisional officer involved in policy development or execution and to persons involved in directing, organizing or supervising higher education related activities.

(b) “Professional appointment” means an academic staff appointment for a fixed or indefinite term granted to a professional employee who is involved in the guidance or counseling of students, assisting the faculty in research, public service or in the instruction of students or who is involved in other professional duties which are primarily associated with institutions of higher education; including, but not limited to, such employment titles as visiting faculty, clinical staff, lecturer, scientist, specialist and such other equivalent titles as the board approves.

**(2) APPOINTMENTS.** Appointments under this section shall be made by the board, or by an appropriate official authorized by the board, under policies and procedures established by the board and subject to s. 36.09 (1) (i). The policies for indefinite appointments

shall provide for a probationary period, permanent status and such other conditions of appointment as the board establishes.

**(2m) LIBRARIAN APPOINTMENTS.** If in any institution all professional librarians with appropriate graduate degrees as determined in accordance with that institution’s policies, have formerly been ranked faculty, all present and future appointments of professional librarians with appropriate graduate degrees in such institution shall be as ranked faculty, except in those institutions where the chancellor and faculty designate that such appointments shall be as academic staff.

**(3) PROCEDURAL GUARANTEES.** A person having an academic staff appointment for a term may be dismissed prior to the end of the appointment term only for just cause and only after due notice and hearing. A person having an academic staff appointment for an indefinite term who has attained permanent status may be dismissed only for just cause and only after due notice and hearing. In such matters the action and decision of the board, or the appropriate official authorized by the board, shall be final, subject to judicial review under ch. 227. The board shall develop procedures for notice and hearing which shall be promulgated as rules under ch. 227.

**History:** 1973 c. 335 and Supp; 1985 a. 332; 1989 a. 31.

**Cross Reference:** See also ch. UWS 3, 9, 10, 11, 12, and 19, Wis. adm. code.

**36.17 Limited appointments. (1)** An appointment to a position listed in sub. (2) shall be a limited appointment and the appointment shall be at the pleasure of the board. A person holding a tenured or academic staff appointment under ss. 36.13 and 36.15 shall not lose that appointment by accepting a limited appointment.

**(2)** Limited appointments apply to the following positions: president, provost, vice president, associate vice president, assistant vice president, chancellor, vice chancellor, associate chancellor, assistant chancellor, associate vice chancellor, assistant vice chancellor, college campus dean, secretary of the board, associate secretary of the board, assistant secretary of the board, trust officer and assistant trust officer and such other administrative positions as the board determines at the time of the appointment.

**History:** 1973 c. 335; 1997 a. 237.

**Cross Reference:** See also chs. UWS 15 and 19, Wis. adm. code.

**36.19 Other appointments.** The board may make or authorize fixed term appointments for student assistants and employees in training, such as residents, interns, post–doctoral fellows or trainees or associates. Appointments made under this section shall not be subject to ss. 36.13 and 36.15.

**History:** 1973 c. 335.

**Cross Reference:** See also ch. UWS 16, Wis. adm. code.

**36.21 Lapse of appointments.** Notwithstanding ss. 36.13 (4) and 36.15, the board may, with appropriate notice, terminate any faculty or academic staff appointment when a financial emergency exists. No person may be employed at the institution within 2 years to perform reasonably comparable duties to those of the person whose appointment was terminated without first offering such person a reappointment. The board, after consultation with the faculty and chancellor of each institution, shall adopt procedures to be followed in the event of termination under this section.

**History:** 1973 c. 335.

**36.23 Conflict of interest.** No regent or officer or other person appointed or employed in any position in the system may at any time act as agent for any person or organization where such act would create a conflict of interest with the terms of the person’s service in the system. The board shall define conflicts of interest and promulgate rules related thereto.

**History:** 1973 c. 335; 1985 a. 332 s. 251 (1).

**Cross Reference:** See also ch. UWS 8, Wis. adm. code.

A regent of the University of Wisconsin is not precluded by law from attending the university as a student or from receiving a degree from the university, but he must guard against and refrain from any possible conflict of interest. 58 Atty. Gen. 158.

**36.25 Special programs. (2) WISCONSIN RESIDENTS PREFERENCE IN HOUSING.** Preference as to rooming, boarding and apartment facilities in the use of living units operated by any university shall, for the following school year, be given to students who are residents of this state and who apply before March 15, unless a later date is set by the board. Such preference shall be granted in accordance with categories of priority established by the board. Leases or other agreements for occupancy of such living units shall not exceed a term of one calendar year. The board may promulgate rules for the execution of this subsection.

**(3) AGRICULTURAL DEMONSTRATION STATIONS, EXPERIMENTS, DEMONSTRATIONS.** (a) The board may establish through the College of Agricultural and Life Sciences of the University of Wisconsin–Madison demonstration stations for the purpose of aiding in agricultural development. The location of the stations shall be determined by the board which shall consider the opportunities for agricultural development in various regions of the state.

(b) The board may authorize experimental work in agriculture at points within the state and carry on demonstrations and such other extension work as it deems advisable for the improvement of agricultural knowledge. The board may conduct extension schools and courses and provide for the compensation and traveling fees of instructors whose functions shall be to assist in the improvement of agricultural education and the dissemination of agricultural knowledge.

(c) The board shall, under the supervision of the dean of the College of Agricultural and Life Sciences of the University of Wisconsin–Madison, foster research and experimentation in the control of bovine brucellosis, which is also known as Bang's disease, at various points within this state that the board considers advisable. To facilitate the bovine brucellosis research and experimentation, contracts may be entered into with owners of bovine animals of various classes for the supervised control of the animals and for the purchase of animals under conditions to be specified in contracts that shall be retained for control purposes. Payment under the contracts shall be made out of the appropriation in s. 20.285 (1) (a).

(d) The board may establish such agriculturally related research and instructional programs at any institution as it deems advisable so long as such programs are compatible with a single statewide integrated research and extension program.

**(3m) SOLID WASTE EXPERIMENT CENTERS.** (a) In this subsection, "solid waste disposal" has the meaning given in s. 289.01 (34).

(b) The board may establish one or more solid waste experiment centers for the purpose of developing, demonstrating, promoting and assessing the costs and environmental effects of alternatives to solid waste disposal. The board shall determine the location of the solid waste experiment centers. In making the determination, the board shall consider the solid waste disposal needs of the various regions of the state. The board may establish, through cooperative agreements, solid waste experiment centers at existing publicly owned or privately owned storage, treatment or disposal facilities.

(c) The board shall conduct research into alternatives to solid waste disposal, including the reuse and recycling of materials, composting, source separation and the disposal of household hazardous wastes. The board shall also conduct research into the safe disposal of solid waste that cannot be composted or recycled. Research conducted under this paragraph shall include technologies suitable for application to waste streams of less than 50 tons of solid waste per day and shall consider the environmental effects of the technologies being researched and measures which could be taken to mitigate such effects. Research conducted under this paragraph shall be designed for the benefit of all public and private entities responsible for the collection, storage, transportation, treatment or disposal of solid waste and all persons who generate solid waste.

(d) The board shall appoint a solid waste research council under s. 15.04 (1) (c) consisting of the chancellor of each institution that has faculty with expertise in solid waste disposal or his or her designee. The council shall advise the board concerning the awarding of funds for research projects under par. (c) proposed by institutions.

**(4) DUTCH ELM DISEASE STUDIES.** The board shall, through the College of Agricultural and Life Sciences of the University of Wisconsin–Madison, authorize laboratory and field studies, research, and experiments to determine the cause and control of Dutch elm disease. The various departments of the state shall cooperate with the university in this program.

**(5) BROADCASTING STATION WHA AND WHA-TV, EXPERIMENTAL TELEVISION.** (a) The board of regents, as licensee, shall manage, operate and maintain broadcasting station WHA and WHA-TV and shall enter into an affiliation agreement with the educational communications board pursuant to s. 39.14. Except as provided under par. (b), the agreement shall provide that the board of regents shall grant the educational communications board the part-time use of equipment and space necessary for the operations of the state educational radio and television networks. The board of regents shall maintain a separate account for each revenue source for broadcasting station WHA and for WHA-TV which permits identification of the functions or activities for which expenditures are made. The board of regents shall maintain annual records of its expenditures for programming purposes by type of programming and by source of revenue.

(b) The board of regents may rent space on the Madison public broadcast transmission tower to the educational communications board and to other public and commercial broadcasters.

**(6) GEOLOGICAL AND NATURAL HISTORY SURVEY.** (a) The board shall have charge of the geological and natural history survey. Under the supervision of the state geologist, the survey shall study the geology, water, soils, plants, fish and animal life of the state and shall continue the topographic mapping of the state begun by the U.S. geological survey, but no money may be expended for topography unless an equivalent amount is expended for this purpose in the state by the U.S. government.

(b) The state geologist shall examine the lands of the state and classify them in accordance with their mineral content and geological and other evidences of the presence of minerals. For this purpose, competent agents and employees of the survey are authorized to enter upon any and all lands within the state.

(c) The geological and natural history survey shall examine the mines and explored mineral lands of the state by persons competent to make such examinations and make an accurate determination of the amount of ore therein, the expense of mining, the probable life of the mine and such other factors as may be necessary, in the judgment of the department of revenue and the geological and natural history survey, for a proper valuation thereof. For the purpose of this investigation all books, inventories, waybills, maps, plats, correspondence and memoranda relating to or used in the transaction of the business of any person owning or operating any mine or explored mineral land, shall, on demand by the geological and natural history survey, or its authorized representative, be open to inspection or examination. Any person owning or operating any mine or explored mineral lands shall furnish for inspection to the geological and natural history survey, upon request, copies of all maps and plats that relate to the workings of the mine or the explored mineral lands.

(d) Any officer, agent, clerk or employee of the survey or department of revenue who makes known to any person except the officers of the survey or department of revenue, in any manner, any information given to such person in the discharge of such person's duties under par. (c), which information was given to such person with the request that it not be made known, is guilty of a Class I felony. This paragraph shall not prevent the use for assessment purposes of any information obtained under this subsection.

(e) The state geologist shall carry out the responsibilities specified for him or her under s. 107.15.

**(7) SOIL AND WATER CONSERVATION.** The board is responsible for research and educational programs regarding soil and water conservation. The board shall cooperate with the land and water conservation board, the department of agriculture, trade and consumer protection and the counties in carrying out its soil and water conservation programs. The board shall prepare annually a written program of planned educational activities in soil and water conservation.

**(8) WATER RESOURCES RESEARCH.** Funds made available to the various state agencies for joint water resources research and data collection programs shall be administered and coordinated by the director of the water resources center of the University of Wisconsin–Madison. Such funds shall be made available, on application from the state agencies concerned, when the director, after seeking the advice of the department of natural resources, finds the proposed projects to be consistent with other state projects and the needs of the state. The director shall make biennial reports to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), at the convening of the legislature.

**(9) STATE SOILS LABORATORY.** The board shall establish a state soils and plant analysis laboratory in connection with the College of Agricultural and Life Sciences of the University of Wisconsin–Madison and the University of Wisconsin–Extension. The laboratory shall, at the request of the owner or occupant of any lands in the state and upon the payment of such fees as are prescribed, make field examinations and analyses of the soil and plant tissue and when possible interpret the results of such investigation and make appropriate recommendations. The board through the College of Agricultural and Life Sciences of the University of Wisconsin–Madison may cause an investigation to be made of methods of clearing cutover lands, perform experiments and demonstrations in conjunction therewith and provide related services to individual citizens at cost.

**(10) PHARMACEUTICAL EXPERIMENT STATION.** The board may establish, equip and maintain a pharmaceutical experiment station in the school of pharmacy of the University of Wisconsin–Madison for the purpose of cooperating with other state agencies in the cultivation of medicinal plants, the synthesis and production of high–grade drugs and the dissemination of related information and service to the citizens of the state.

**(11) STATE LABORATORY OF HYGIENE.** (a) The laboratory of hygiene shall be attached to the University of Wisconsin–Madison. The laboratory of hygiene board shall meet at least quarterly and may promulgate rules under ch. 227, approve the laboratory of hygiene budget, set fees, set priorities and make final approval of laboratory resources so that the laboratory can act in response to agencies' planned objectives and program priorities.

(b) The laboratory shall provide complete laboratory services in the areas of water quality, air quality, public health and contagious diseases for appropriate state agencies, and may perform examinations for licensed physicians, veterinarians, local health officers, as defined in s. 250.01 (5), and resource management officials as may be necessary for the prevention and control of those diseases and environmental hazards which cause concern for public health and environmental quality.

(c) The laboratory shall provide analytical support to the appropriate state agencies charged with water system evaluation. The support service shall include an evaluation from a public health standpoint and analytical support to ascertain the water's suitability for manufacturing, commercial and recreational purposes as determined by the rules promulgated by the department of health and family services, the department of natural resources and the department of agriculture, trade and consumer protection.

(d) The laboratory shall be operated to furnish a complete laboratory service to the department of health and family services and the department of natural resources in the areas of water quality,

air quality, public health and contagious diseases and to make available to the system, the department of health and family services and the department of natural resources such facilities for teaching in the fields of public health and environmental protection as may be derived from such a laboratory.

(e) The technical staff and other employees necessary to the operation of the laboratory shall be employed under the classified service by the director. The board, upon the recommendation of the chancellor of the University of Wisconsin–Madison, with the approval of the laboratory of hygiene board, shall appoint the director of the laboratory and such other members of its professional staff as are required for the administration of the laboratory.

(em) The laboratory of hygiene board shall create and maintain a roster of scientists and other persons with technical expertise who are willing to work for the laboratory of hygiene if the governor declares that an emergency related to public health exists. If the governor declares such an emergency, the laboratory of hygiene board shall hire as limited–term employees the requisite number of persons from the roster to assist the department of health and family services under s. 250.042.

(f) The laboratory of hygiene board may impose a fee for each test conducted by the laboratory. Any test conducted for a local unit of government is exempt from the fee unless the test is outside the state public health care mission or is required under 42 USC 300f to 300j, as determined by the laboratory of hygiene board. The laboratory may charge state agencies through contractual arrangements for the actual services rendered.

(g) The laboratory of hygiene board shall submit biennial budget requests reflecting joint budgetary planning with agencies served, and any information required by the department of administration under s. 16.43, directly to the department of administration.

**(12) PSYCHIATRIC RESEARCH INSTITUTE.** (a) The board shall house, equip and maintain the psychiatric research institute as a program of the University of Wisconsin–Madison Center for Health Sciences. The psychiatric research institute shall be a facility for research, development and service to the state in the field of mental health. The institute may exercise the powers granted under s. 46.044.

(b) All property used by the Wisconsin Psychiatric Institute established under s. 46.044, except real property used by the institute and except property of the University of Wisconsin Hospitals and Clinics, is transferred to the board which shall hold such property for the use of the psychiatric research institute.

(c) The institute shall investigate medical and social conditions which directly or indirectly result in state care; develop and promote measures to relieve and prevent the need for state care; undertake special education and training; and generally seek by research and investigation to prevent conditions which result in state care. The institute shall render, under mutual agreement, services to the state institutions under the jurisdiction of the department of health and family services and the department of public instruction. Such state institutions are open to the institute for research and training.

**(12m) STATE CARTOGRAPHER.** The state cartographer shall:

(a) Establish and maintain a union catalog of current and historical reference and thematic maps of all scales available in municipal, county, state and federal agencies relating to this state.

(b) Promote liaison among the municipal, county, state and federal mapping agencies and surveyors to facilitate coordination and to exchange information on mapping and cartographic activities.

(c) Keep abreast of the progress made by mapping agencies and their mapping developments.

(d) Collect, maintain and disseminate information regarding innovation in cartographic techniques and mapping procedures, map and air photo indexes and control data, map accuracy stan-

dards, legal aspects of map publication and such other matters as will facilitate an effective cartographic program for the state.

(e) Publish and distribute such special maps and map information as will promote the mapping of the state and preparation and use of maps by individuals, only to the extent, however, that such publication and distribution is not appropriately within the activities of any other state or commercial agency.

(f) Assist the department of natural resources in its work as the state representative of the U.S. geographic board and its other functions under s. 23.25.

**(13g) UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS.** (a) The board shall establish at the University of Wisconsin–Madison the “University of Wisconsin Hospitals and Clinics”.

(b) The board shall maintain, control and supervise the use of the University of Wisconsin Hospitals and Clinics, for the purposes of:

1. Delivering comprehensive, high-quality health care to patients using the hospitals and to those seeking care from its programs, including a commitment to provide such care for the medically indigent.

2. Providing an environment suitable for instructing medical and other health professions students, physicians, nurses and members of other health-related disciplines.

3. Sponsoring and supporting research in the delivery of health care to further the welfare of the patients treated and applying the advances in health knowledge to alleviate human suffering, promote health and prevent disease.

4. Assisting health programs and personnel throughout the state and region in the delivery of health care.

(c) 1. The board may negotiate and enter into a contractual services agreement with the University of Wisconsin Hospitals and Clinics Board for the provision of services by employees of the University of Wisconsin Hospitals and Clinics Board. Any agreement under this subdivision shall include a provision that requires the board to make adequate payments to the University of Wisconsin Hospitals and Clinics Board for any services provided under the agreement in advance of their need by the University of Wisconsin Hospitals and Clinics Board to pay its employees for such services.

2. The board may not contract for those services that are provided to the board by the University of Wisconsin Hospitals and Clinics Board by state employees in the collective bargaining units specified in s. 111.825 (1m) with any person other than the University of Wisconsin Hospitals and Clinics Board.

(d) This subsection applies only in the event that the on-campus facilities, as defined in s. 233.01 (7), leased to the University of Wisconsin Hospitals and Clinics Authority under s. 36.11 (28), and any improvements, modifications or other facilities specified in s. 233.04 (7) (c), are transferred to the board under s. 233.04 (3b) (b), (7g) (b) or (7p) (b).

**(13m) MEDICAL STUDENT TRANSFER PROGRAM.** The board shall establish a program in the University of Wisconsin School of Medicine and Public Health to consider the transfer of residents of this state from foreign medical schools after their 2nd year of study.

**(14) GRADUATE STUDENT FINANCIAL AID.** The board shall establish a grant program for minority and disadvantaged graduate students enrolled in the system. The grants shall be awarded from the appropriation under s. 20.285 (4) (b). The board shall give preference in awarding grants under this subsection to residents of this state. The board may not make a grant under this subsection to a person whose name appears on the statewide support lien docket under s. 49.854 (2) (b), unless the person provides to the board a payment agreement that has been approved by the county child support agency under s. 59.53 (5) and that is consistent with rules promulgated under s. 49.858 (2) (a).

**(14m) MINORITY AND DISADVANTAGED PROGRAMS.** (a) The board shall allocate funds under s. 20.285 (4) (a) to fund programs

for recruiting minority and disadvantaged students and to fund programs for minority and disadvantaged students enrolled in the system. The funding under s. 20.285 (4) (a) for these programs is in addition to any other funding provided by law.

(b) By April 15, 1992, and annually thereafter, the board shall adopt a precollege, recruitment and retention plan for minority and disadvantaged students enrolled in the system. The plan shall include allocations from the appropriation under s. 20.285 (4) (a).

(c) By April 15, 1992, and annually thereafter by April 15, the board shall submit a report to the governor and to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3). The report shall include all of the following:

1. The plan adopted under par. (b).

2. All financial aid distributed to students, categorized by ethnic group, class level and dependency status. The report shall include information on financial need, percentage of need satisfied by loan, percentage of need satisfied by grant and the percentage remaining unsatisfied.

**(15) MILITARY INSTRUCTION.** The board may provide courses in military science and tactics.

**(18) SCHOOL OF VETERINARY MEDICINE.** The board shall establish and maintain a school of veterinary medicine at the University of Wisconsin–Madison. Existing facilities shall be used to the maximum possible extent for auxiliary instructional and research support of the veterinary program.

**(19) MODEL SCHOOL SPECIAL EDUCATION PROGRAM.** (a) The board may establish at the University of Wisconsin–Madison a model school for children with disabilities, as defined in s. 115.76 (5). The school shall utilize practical demonstration techniques to train teachers and other support personnel under s. 115.28 (7) (c).

(b) The board may enter into an agreement with the school board of any school district to provide special education and related services through the model school to children with disabilities. The board may charge tuition for children served in the model school. Tuition charges made under such agreements shall be based on the net cost of providing the special education and other related services.

**(21) SCHOOL OF LAW; PART-TIME ENROLLMENT AND NIGHT COURSES.** The board shall direct the School of Law to:

(a) Allow resident students who are admitted to law school to enroll in part-time programs;

(b) Allow resident students who are admitted to law school 6 years after first enrolling to complete requirements for a degree; and

(c) Offer to resident students who are admitted to law school a range of courses in the evening, including required courses necessary to be admitted to the state bar under SCR 40.03.

**(21m) GREAT LAKES INDIAN LAW PROGRAM.** The board shall establish a Great Lakes Indian law program at the University of Wisconsin–Madison Law School.

**(22) SCHOOL OF ALLIED HEALTH PROFESSIONS.** The board may establish a School of Allied Health Professions at the University of Wisconsin–Milwaukee.

**(23) ROBERT M. LA FOLLETTE INSTITUTE OF PUBLIC AFFAIRS.** There is established a Robert M. La Follette institute of public affairs at the University of Wisconsin–Madison. The institute shall engage in research, public service and educational activities to advance the knowledge of public affairs and the application of that knowledge to the needs of this state.

**(23m) WILDER CRANE PROFESSORSHIP OF GOVERNMENT.** The board shall establish the Wilder Crane professorship of government at the University of Wisconsin–Milwaukee department of political science.

**(24) EMPLOYEE-OWNED BUSINESSES PROGRAM.** Through the University of Wisconsin small business development center, in cooperation with the department of commerce under s. 560.07 (2m), the technical college system board and the University of

Wisconsin–Extension, the board shall create, as needed, educational programs to provide training in the management of employee–owned businesses and shall provide technical assistance to employee–owned businesses in matters affecting their management and business operations, including assistance with governmental relations and assistance in obtaining management, technical and financial assistance.

**(25) INDUSTRIAL AND ECONOMIC DEVELOPMENT RESEARCH PROGRAM.** (a) The board shall award industrial and economic grants to fund industrial and economic development research projects and outreach activities.

(b) In awarding grants under par. (a) the board shall:

1. Receive project proposals from system researchers.
2. Provide for a review process for project proposals by appropriate professionally qualified reviewers.
3. Specify the duration of the project to be funded by the grant.

(c) Biennially by November 15, the board shall submit a report to the joint committee on finance specifying the projects funded under this subsection in the previous fiscal biennium, the duration of the funded projects and the relationship of the funded projects to this state's economy.

**(26) DAY CARE CENTERS.** A college campus may establish a day care center and may use funds received from the appropriation under s. 20.285 (1) (a) to operate it.

**(27) INTEGRATED AGRICULTURE PROGRAM.** The board shall establish an integrated agriculture program.

**(28) SCHOOLS OF BUSINESS.** The board shall use the funds in the appropriations under s. 20.285 (1) (em) and (Ls) to support improvements in master's level business programs. The board may spend funds in those appropriations only if it receives matching funds for the same purpose from private contributions.

**(29) ENVIRONMENTAL EDUCATION.** The board shall seek the advice of the environmental education board on the development of environmental education programs.

**(29m) CENTER FOR ENVIRONMENTAL EDUCATION.** There is established in the College of Natural Resources at the University of Wisconsin–Stevens Point a center for environmental education to assist in the development, dissemination, implementation, and evaluation of environmental education programs for elementary and secondary school teachers and pupils. The center shall do all of the following:

(a) Assist the environmental education board in addressing statewide teacher training needs in environmental education and in administering grants under s. 36.54 (2).

(b) Assist the department of public instruction to periodically assess and report to the environmental education board on the environmental literacy of this state's teachers and students.

(c) Develop, offer and evaluate environmental education courses for teachers.

(d) Select and train natural resource and environmental education specialists with teaching experience to assist in providing environmental education courses and programs to teachers in this state.

(e) Assist the department of public instruction and cooperative educational service agencies to assist school districts in conducting environmental education needs assessments.

(f) Provide environmental education workshops and consulting services to teacher educators from teacher training institutions located in this state.

(g) Establish an environmental education curriculum and materials center for use by school teachers, faculty of teacher training institutions located in this state and others in educational programs who need such materials.

(h) Assist the University of Wisconsin–Stevens Point College of Natural Resources in providing opportunities for teachers to complete advanced training in environmental education through the college's master's degree program.

**(29r) STUDY ON THE REINTRODUCTION OF ELK.** (a) The board shall direct the University of Wisconsin–Stevens Point to conduct a study to determine the feasibility of reintroducing elk into the northern part of the state and to formulate a management plan for the reintroduction of elk if the conclusions of the study demonstrate that the reintroduction is feasible.

(b) The University of Wisconsin–Stevens Point shall conduct the study by monitoring the behavior of an experimental herd that the university shall bring into the state. The university shall also assess the herd's compatibility with other resources in the area where the study is conducted.

**(30) POLLUTION PREVENTION.** The board shall maintain in the extension a solid and hazardous waste education center to promote pollution prevention, as defined in s. 299.13 (1) (dm). In cooperation with the department of natural resources and the department of commerce, the center shall conduct an education and technical assistance program to promote pollution prevention in this state.

**(30g) RECYCLING MARKET DEVELOPMENT PROGRAM.** The board shall establish in the extension a program of education and technical assistance related to recycling market development. The program shall serve waste generators; solid waste scrap brokers, dealers and processors; business entities that use or could use recovered materials or that produce or could produce products from recovered materials and persons who provide support services to those business entities; and the general public.

**(30m) AGRICULTURAL TECHNOLOGY AND FAMILY FARM PROGRAMS.** The board may establish agricultural technology and family farm programs in the College of Agricultural and Life Sciences at the University of Wisconsin–Madison.

**(31) BIOTECHNOLOGY EDUCATION; CONSUMERS.** The board shall establish extension programs to educate consumers about biotechnology processes and products and risk assessment techniques.

**(32) AGRICULTURAL SAFETY AND HEALTH CENTER.** (a) The board shall establish an Agricultural Safety and Health Center in the extension. The center shall do all of the following:

1. Develop curriculum and materials for a tractor and machine operation safety training course for persons who are at least 12 years of age but under 18 years of age that is equivalent to the requirements, other than age, specified under 29 CFR 570.70 to 570.72.

2. Perform instructor training and coordination necessary to provide a statewide program of tractor and machinery operation safety training to persons who are at least 12 years of age but under 18 years of age and certification of persons successfully completing such training.

3. Develop and disseminate educational and informational materials and present programs on farm safety and health topics.

(b) From the appropriation under s. 20.285 (1) (fs), the board shall award grants totaling not more than \$500 annually per county to sponsors of farm safety education, training or information programs. To be eligible for a grant, a sponsor shall:

1. Secure or provide equal matching funds from private or public sources.

2. Demonstrate the need for the program.

3. Demonstrate that the program for which a grant is sought was developed in consultation with extension personnel, public health personnel, vocational agriculture instructors or other persons with expertise or interest in farm safety topics.

**(33) QUALITY IMPROVEMENT AWARDS.** From the appropriation under s. 20.285 (1) (a), the board annually may award up to \$500 each to no more than 10 system employees who make suggestions that result in significant quality improvements for the system relating to supplies and expenses. The board shall appoint a council under s. 15.04 (1) (c) to nominate recipients for the awards. The board shall not make more than one award to an employee in

the same fiscal year. An award is not part of an employee's base pay.

**(34) CENTER FOR URBAN LAND ECONOMICS RESEARCH.** The board shall establish a center for urban land economics research in the School of Business at the University of Wisconsin–Madison to conduct research and undertake educational, public outreach and grant activities related to real estate and urban land economics.

**(35m) HERBARIUM.** The board shall maintain an herbarium at the University of Wisconsin–Madison to be known as the “Wisconsin State Herbarium”.

**(36) HIGHER EDUCATION LOCATION PROGRAM.** The board shall maintain in the extension a higher education location program to provide information on undergraduate admission requirements, degree programs, enrollment, student financial aid, student housing and admission forms.

**(37) AREA HEALTH EDUCATION CENTER.** The board shall maintain at the University of Wisconsin–Madison an area health education center to support community–based primary care training programs.

**(38) EDUCATIONAL TECHNOLOGY PROJECTS.** (a) In this subsection, “educational technology” has the meaning given in s. 16.99 (3).

(b) The board shall use the moneys appropriated under s. 20.285 (1) (cm) for the following purposes:

1. The student information system.
2. The development of system technology infrastructure.
3. The development of curricula to train students enrolled in the schools of education in the use of educational technology in primary and secondary schools.
4. To provide professional development in the use of educational technology for primary and secondary school teachers.
5. To provide faculty with educational technology and to train faculty in its use.
6. To pay the department of administration for telecommunications services provided under s. 16.972 (1).

**(39) INSTITUTE FOR EXCELLENCE IN URBAN EDUCATION.** There is established an Institute for Excellence in Urban Education at the University of Wisconsin–Milwaukee. The institute shall engage in research, public service and educational activities pertaining to issues in urban public education.

**(42) DISTINGUISHED CHAIR OF MILITARY HISTORY.** The board shall establish a distinguished chair of military history at the University of Wisconsin–Madison.

**(44) INTERNATIONAL BUSINESS DEVELOPMENT.** The University of Wisconsin–Milwaukee shall collaborate with other institutions to develop and implement programs and training for Wisconsin businesses and University of Wisconsin System faculty in the area of international business development.

**(46) MENINGOCOCCAL DISEASE AND HEPATITIS B.** (a) The board shall do all of the following:

1. Annually, provide detailed information on the risks associated with meningococcal disease and hepatitis B and the availability and effectiveness of vaccines against the diseases to each enrolled student, if he or she is at least 18 years old, or to the student's parent or guardian, if the student is a minor.
2. Require a student who resides in a dormitory or residence hall, or the student's parent or guardian if the student is a minor, to affirm that the student received the information under subd. 1.
3. Require a student who resides in a dormitory or residence hall to affirm whether he or she has received the vaccination against meningococcal disease and to provide the date of the vaccination, if any.
4. Require a student who resides in a dormitory or residence hall to affirm whether he or she has received the vaccination against hepatitis B and to provide the date of the vaccination, if any.

5. Maintain a confidential record of the affirmations and the dates of the vaccinations of each student under subds. 3. and 4.

(b) Nothing in this subsection requires the board to provide or pay for vaccinations against meningococcal disease or hepatitis B.

**History:** 1973 c. 333 ss. 68, 201f (2); 1973 c. 335; 1975 c. 39, 339, 408 Supp.; 1975 c. 430 s. 80; 1977 c. 26, 29; 1977 c. 418 ss. 271 to 273, 924 (18) (e), (50); 1977 c. 422; 1977 c. 447 s. 206; 1979 c. 34; 1979 c. 90 s. 23; 1979 c. 177; 1981 c. 20, 93, 237, 314, 346; 1983 a. 27, 387, 524; 1983 a. 538 s. 271; 1985 a. 29; 1985 a. 182 s. 57; 1985 a. 332 s. 251 (1); 1987 a. 27, 186, 399, 403; 1989 a. 31, 56, 249, 299, 325, 335, 353, 359; 1991 a. 32, 39, 167, 269; 1993 a. 16, 27, 399, 455; 1995 a. 27 ss. 1767 to 1775k, 9116 (5), 9126 (19), 9145 (1); 1995 a. 54, 101, 216, 225, 227, 378, 404, 417; 1997 a. 27 ss. 1163 to 1168k, 9456 (3m); 1997 a. 164, 178; 1997 a. 237 ss. 82v, 722s; 1997 a. 283; 1999 a. 9; 2001 a. 16, 103, 109; 2003 a. 33 ss. 933 to 935, 2811; 2003 a. 48 ss. 10, 11; 2003 a. 61; 2003 a. 206 s. 23; 2005 a. 25 ss. 696, 697, 2493; 2005 a. 404.

**36.27 Tuition. (1) BOARD OF REGENTS TO ESTABLISH.** (a) Subject to pars. (am), (b) and (c), the board may establish for different classes of students differing tuition and fees incidental to enrollment in educational programs or use of facilities in the system. Except as otherwise provided in this section, the board may charge any student who is not exempted by this section a nonresident tuition. The board may establish special rates of tuition and fees for the extension and summer sessions and such other studies or courses of instruction as the board deems advisable.

(am) The board may not increase academic fees for resident undergraduate students beyond an amount sufficient to fund all of the following:

1. In a fiscal year beginning in an even–numbered year, the amount shown in the schedule under s. 20.285 (1) (im) for that fiscal year and in a fiscal year beginning in an odd–numbered year, the highest amount shown in the schedule under s. 20.285 (1) (im) for that fiscal year in the substitute amendment, offered by the joint committee on finance, to the biennial budget bill; the engrossed biennial budget bill; or the enrolled biennial budget bill.

2. The approved recommendations of the director of the office of state employment relations for compensation and fringe benefits for classified staff, for unclassified employees specified in s. 230.12 (1) (a) 1. b., and for unclassified employees specified in s. 230.12 (3) (e). If these recommendations have not been approved by the joint committee on employment relations by the time the board sets academic fees, the board may raise academic fees for resident undergraduate students by an amount sufficient to fund the recommendations of the director of the office of state employment relations for compensation and fringe benefits for classified staff and for unclassified employees specified in s. 230.12 (1) (a) 1. b. and the board's recommendations for unclassified employees specified in s. 230.12 (3) (e). If the director of the office of state employment relations has not made recommendations by the time the board sets academic fees, the board may raise academic fees for resident undergraduate students by an amount sufficient to fund the board's estimate of compensation and fringe benefits for classified staff and for unclassified employees specified in s. 230.12 (1) (a) 1. b. and the board's recommendations for unclassified employees specified in s. 230.12 (3) (e). If the board sets academic fees based upon the board's estimate and the board's unapproved recommendations, and the recommendations of the board and the director of the office of state employment relations as finally approved by the joint committee on employment relations call for a lower rate of compensation and fringe benefits than the board's estimate and unapproved recommendations, the board shall lower academic student fees for resident undergraduate students for the next academic year by an amount equal to the difference between the academic fees charged and an amount sufficient to fund the approved recommendations. If the board sets academic fees based upon the board's estimate and unapproved recommendations, and the recommendations of the board and the director of the office of state employment relations as finally approved by the joint committee on employment relations call for a higher rate of compensation and fringe benefits than the board's estimate and unapproved recommendations, the board may raise academic student fees for resident undergraduate students for the

next academic year by an amount equal to the difference between the academic fees charged and an amount sufficient to fund the approved recommendations.

3. The projected loss in revenue caused by a change in the number of enrolled undergraduate, graduate, resident and nonresident students from the previous academic year.

4. State-imposed costs not covered by general purpose revenue, as determined by the board. Beginning on December 15, 2000, and annually thereafter, the board shall report costs under this subdivision to the secretary of administration.

5. Distance education, nontraditional courses and intercession courses.

6. Differential tuition that is approved by the board and that is not included in the amount shown in the schedule under s. 20.285 (1) (im).

(b) The board shall permit a person who is 60 years of age or older to audit a course without paying an auditor's fee if the person is a resident of this state, as determined under sub. (2) (e), space is available in the course and the instructor approves.

(bm) Beginning on December 15, 2000, and annually thereafter, the board shall submit a report to the legislature under s. 13.172 (2) containing the amount by which expenditures from s. 20.285 (1) (im) in the previous fiscal year exceeded the amount shown in the schedule for that appropriation in the previous fiscal year, the purposes for which the additional revenues were spent and the amount spent for each purpose.

(c) The board may not charge a student registered as a master's level business school student prior to the first semester of the 1989–90 academic year higher fees than other graduate students at the same institution.

**(2) NONRESIDENT TUITION EXCEPTIONS.** (a) Students qualifying under any of the following categories, while they continue to be residents of this state, are entitled to exemption from nonresident tuition but not from incidental or other fees:

1. Any adult student who has been a bona fide resident of the state for 12 months next preceding the beginning of any semester or session for which such student registers at an institution.

2. Any minor student, if one or both of the student's parents have been bona fide residents of this state for at least 12 months next preceding the beginning of any semester or session for which the student registers at an institution.

3. Any adult student who is a dependent of his or her parents under 26 USC 152 (a), if one or both of the student's parents have been bona fide residents of this state for at least 12 months next preceding the beginning of any semester or session for which the student registers at an institution.

4. Any minor student who has resided substantially in this state during the years of minority and at least 12 months next preceding the beginning of any semester or session for which such student registers at an institution.

5. Any minor student under guardianship in this state whose legal guardian has been a bona fide resident of this state for at least 12 months next preceding the beginning of any semester or session for which such student registers at an institution.

6. Any adult student who has been employed as a migrant worker for at least 2 months each year for 3 of the 5 years next preceding the beginning of any semester or session for which the student registers at an institution, or for at least 3 months each year for 2 of the 5 years next preceding the beginning of any semester or session for which the student registers at an institution, any adult student whose parent or legal guardian has been so employed while the student was a minor and any minor student whose parent or legal guardian has been so employed. In this subdivision, "migrant worker" has the meaning specified in s. 103.90 (5).

(am) Any person who is a refugee, as defined under 8 USC 1101 (a) (42), who moved to this state immediately upon arrival in the United States and who has resided in this state continuously

since then is entitled to the exemption under par. (a) if he or she demonstrates an intent to establish and maintain a permanent home in Wisconsin according to the criteria under par. (e).

(b) 1. Nonresident members of the armed forces and persons engaged in alternative service who are stationed in this state on active duty and their spouses and children are entitled to the exemption under par. (a) during the period that such persons are stationed in this state.

2. Members of the armed forces who reside in this state and are stationed at a federal military installation located within 90 miles of the borders of this state, and their spouses and children, are entitled to the exemption under par. (a).

3. Nonresident persons who served in active duty in the U.S. armed forces for at least 10 years, who were honorably discharged from such service within 4 years before applying at an institution, and who filed state income tax returns for at least 8 of the last 10 years of active duty in the U.S. armed forces, and their spouses and children are entitled to the exemption under par. (a).

4. A person who was a resident of this state at the time of entry into active duty, who is a resident of and living in this state at the time of registering at an institution, and who is a veteran, as defined in s. 45.01 (12) is entitled to the exemption under par. (a).

(c) Any student who is a graduate of a Wisconsin high school and whose parents are bona fide residents of this state for 12 months next preceding the beginning of any semester or session for which the student registers at an institution or whose last surviving parent was a bona fide resident of this state for the 12 months preceding death is entitled to the exemption under par. (a).

(cm) Any person continuously employed full time in this state, who was relocated to this state by his or her current employer or who moved to this state for employment purposes and accepted his or her current employment before applying for admission to an institution and before moving, and the spouse and dependents of any such person, are entitled to the exemption under par. (a) if the student demonstrates an intent to establish and maintain a permanent home in Wisconsin according to the criteria under par. (e). In this paragraph, "dependents" has the meaning given in 26 USC 152 (a).

(d) Any person who has not been a bona fide resident of the state for 12 months next preceding the beginning of any semester or session for which such person registers at an institution, except as provided in this subsection, is not exempt from the payment of the nonresident tuition.

(e) In determining bona fide residence at the time of the beginning of any semester or session and for the preceding 12 months the intent of the person to establish and maintain a permanent home in Wisconsin is determinative. In addition to representations by the student, intent may be demonstrated or disproved by factors including, but not limited to, timely filing of a Wisconsin income tax return of a type that only full-year Wisconsin residents may file, voter registration in Wisconsin, motor vehicle registration in Wisconsin, possession of a Wisconsin operator's license, place of employment, self-support, involvement in community activities in Wisconsin, physical presence in Wisconsin for at least 12 months preceding the beginning of the semester or session for which the student registers, and, if the student is not a U.S. citizen, possession of a visa that permits indefinite residence in the United States. Notwithstanding par. (a), a student who enters and remains in this state principally to obtain an education is presumed to continue to reside outside this state and such presumption continues in effect until rebutted by clear and convincing evidence of bona fide residence.

**Cross Reference:** See also ch. UWS 20, Wis. adm. code.

**(2m) APPEALS.** Any body designated by the board to determine nonresident tuition exemptions under sub. (2) may require a student who has been granted such an exemption to submit information from which the body may determine the student's eligibility for the exemption, the student's eligibility for a different exemption or the student's residency status.

**(3)** TUITION REMISSIONS. Within the limits established by s. 20.285 (2) (d), the board may remit nonresident tuition either in whole or in part at each institution, but not other fees:

(a) To a number of needy and worthy nonresident students upon the basis of merit, to be shown by suitable tests, examinations or scholastic records and continued high standards of scholastic attainment.

(b) To additional individual students who, in the judgment of the board, are deserving of relief from the assessment of nonresident tuition because of extraordinary circumstances.

(c) The board may remit nonresident tuition, in whole or in part, but no other fees, except in special circumstances as approved by the chancellor, to worthy and needy foreign students and to students who are United States citizens but whose residence is not in the United States.

(f) In addition to the remissions of nonresident tuition under this subsection, the board may, as athletic scholarships, grant full remission of fees and nonresident tuition, up to the maximum number allowed by the appropriate athletic conference as recommended by the chancellor of each university.

(g) The board shall remit nonresident tuition and fees, in whole or part, to resident and nonresident graduate students who are fellows or who are employed within the system as faculty, instructional academic staff or assistants with an appointment equal to at least 33% of a full-time equivalent position.

**(3m)** FEE REMISSIONS FOR SURVIVORS. (a) In this subsection:

1. “Correctional officer” has the meaning given in s. 102.475 (8) (a).

1g. “Emergency medical services technician” means an individual under s. 146.50 (1) (e), (f), (g), (h) or (hm).

1m. “Fire fighter” means any person employed by this state or any political subdivision of this state as a member or officer of a fire department whose duties include fire fighting or fire fighting training or a member of a volunteer fire department whose duties include fire fighting or fire fighting training.

2. “Law enforcement officer” has the meaning given in s. 165.85 (2) (c) and includes a person appointed as a conservation warden under s. 23.10.

(b) The board shall grant full remission of fees to any resident undergraduate student who is enrolled in a bachelor’s degree program and who is any of the following:

1. The child of an ambulance driver, correctional officer, fire fighter, emergency medical services technician or law enforcement officer who was killed in the line of duty in this state or who qualified for a duty disability benefit, as defined in s. 40.65 (4), under the Wisconsin Retirement System, the Employees’ Retirement System of the city of Milwaukee, or the Milwaukee County Employee’s Retirement System and died as a result of the qualifying disability. The student must be the child of an ambulance driver, correctional officer, fire fighter, emergency medical services technician or law enforcement officer who was so killed or who died as a result of the qualifying disability when the child was under the age of 21 or before the child was born.

2. The surviving spouse of an ambulance driver, correctional officer, fire fighter, emergency medical services technician or law enforcement officer who was killed in the line of duty in this state or who qualified for a duty disability benefit, as defined in s. 40.65 (4), under the Wisconsin Retirement System, the Employees’ Retirement System of the city of Milwaukee, or the Milwaukee County Employee’s Retirement System and died as a result of the qualifying disability.

(c) The fee remission under par. (b) shall remain in effect until completion of a sufficient number of credits to be awarded a bachelor’s degree in the student’s major field of study, except that a student must be in good academic standing to receive the remission for the next semester and may not receive a remission for more than 5 consecutive years.

(d) If the appropriation under s. 20.285 (1) (bm) in any fiscal year is insufficient to fully fund the fee remissions under par. (b), the board shall notify the joint committee on finance.

**(3n)** FEE REMISSION FOR SPOUSE, SURVIVING SPOUSE, AND CHILDREN OF CERTAIN VETERANS. (a) In this subsection, “eligible veteran” means a person verified by the department of veterans affairs to be either of the following:

1. A person who has served on active duty under honorable conditions in the U.S. armed forces, in forces incorporated as part of the U.S. armed forces, in the national guard, or in a reserve component of the U.S. armed forces; who was a resident of this state at the time of entry into that service; and who, while a resident of this state, died on active duty, died as the result of a service-connected disability, or died in the line of duty while on active or inactive duty for training purposes.

2. A person who was a resident of this state at the time of entry into service described in subd. 1. and who the U.S. department of veteran affairs has awarded at least a 30 percent service-connected disability rating under 38 USC 1114 or 1134.

(b) Except as provided in subsd. 1. to 3., the board shall grant full remission of academic fees and segregated fees for 128 credits or 8 semesters, whichever is longer, to any resident student who is also any of the following:

1. A spouse of an eligible veteran. The remission under this subdivision applies only during the first 10 years after the eligible veteran received the service-connected disability rating.

2. An unremarried surviving spouse of an eligible veteran. The remission under this subdivision applies only during the first 10 years after the veteran died.

3. A child of an eligible veteran, if the child is at least 18 but not yet 26 years of age and is a full-time student at an institution.

**(3p)** FEE REMISSION FOR VETERANS. (a) In this subsection, “veteran” means a person who is verified by the department of veterans affairs as being a resident of this state for purposes of receiving benefits under ch. 45, as being a resident at the time of his or her entry into the U.S. armed forces or forces incorporated in the U.S. armed forces, and as meeting any of the following conditions:

1. The person has served on active duty for at least one qualifying term of service under subsd. 2. to 4. under honorable conditions in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces during a war period or in a crisis zone.

2. The person has served on active duty in the U.S. armed forces or in forces incorporated in the U.S. armed forces under honorable conditions, for 2 continuous years or more or for the full period of his or her initial service obligation, whichever is less.

3. The person has served on active duty for 90 days or more under honorable conditions in the U.S. armed forces or in forces incorporated in the U.S. armed forces during a war period or for any period of service under section 1 of executive order 10957 dated August 10, 1961.

4. The term of service in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces under honorable conditions entitled the person to receive the Armed Forces Expeditionary Medal, established by executive order 10977 on December 4, 1961, the Vietnam Service Medal established by executive order 11231 on July 8, 1965, the Navy Expeditionary Medal, the Marine Corps Expeditionary Medal, or an equivalent expeditionary or service medal.

5. The person was honorably discharged from the U.S. armed forces or from forces incorporated in the U.S. armed forces for a service-connected disability, for a disability subsequently adjudicated to have been service connected, or for reasons of hardship.

6. The person was released under honorable conditions from the U.S. armed forces or from forces incorporated in the U.S. armed forces due to a reduction in the U.S. armed forces.

(b) The board shall grant full remission of nonresident tuition, academic fees, and segregated fees charged for 128 credits or 8 semesters, whichever is longer, less the amount of any academic fees or segregated fees paid under 10 USC 2107 (c) or 38 USC 3104 (a) (7) (A), to any student who is a veteran.

**(3r) FEE REMISSIONS FOR FUNERAL ASSISTANTS.** The board shall grant a \$25 remission of nonresident tuition or academic fees to any student enrolled in the system as an undergraduate for each valid voucher issued to the student under s. 45.60 (3).

**(4) TUITION AWARD PROGRAM.** (a) The board may annually exempt from nonresident tuition, but not from incidental or other fees, up to 200 students enrolled at the University of Wisconsin–Parkside as juniors or seniors in programs identified by that institution as having surplus capacity and up to 150 students enrolled at the University of Wisconsin–Superior in programs identified by that institution as having surplus capacity.

(b) A student who received an exemption from nonresident tuition under 1987 Wisconsin Act 27, section 3054 (2g) (a) during the 1987–88 and 1988–89 academic years, or who receives an exemption from nonresident tuition under par. (a), shall continue to receive an exemption from nonresident tuition until the completion of his or her degree program.

(d) The University of Wisconsin–Parkside and the University of Wisconsin–Superior shall give preference in admissions to residents of this state over nonresidents who would be exempt from nonresident tuition under par. (a).

**(5) FEE STATEMENT.** (a) In this subsection, “state funds” means the total amount of general purpose revenue appropriated under s. 20.285 in any fiscal year.

(b) The board shall ensure that every student’s bill for academic fees or nonresident tuition includes the following statement: “The legislature and the governor have authorized \$.... in state funds for the University of Wisconsin System during the .... academic year. This amount represents an average subsidy of \$.... from the taxpayers of Wisconsin for each student enrolled in the University of Wisconsin System.”

(c) The board shall calculate the average subsidy for the purpose of the fee statement under par. (b) by dividing state funds in the appropriate fiscal year by the number of full–time equivalent students enrolled in the system in the most recent fall semester.

**History:** 1973 c. 333 ss. 68g, 68k, 201f (2); 1973 c. 335; 1975 c. 39, 199; 1977 c. 29; 1981 c. 20; 1983 a. 407; 1985 a. 51, 192; 1987 a. 399; 1989 a. 31 ss. 709p to 710, 2908; 1989 a. 67, 181, 359; 1991 a. 39, 168, 169; 1993 a. 16; 1995 a. 27, 228; 1997 a. 27, 163, 237; 1999 a. 9, 130, 154, 186; 2001 a. 16, 38; 2003 a. 33 ss. 936, 9160; 2003 a. 42, 185, 320; 2005 a. 22, 25, 320, 387, 404, 468.

A student who challenges his or her nonresident status unsuccessfully must reapply before the beginning of any new semester when he or she claims that status has changed. *Hancock v. Regents of UW*, 61 Wis. 2d 484, 213 N.W.2d 45 (1973).

The 11th Amendment to the U.S. constitution, which bars private litigants’ suits against nonconsenting states in federal courts barred a nonresident student’s action asserting that the University violated his constitutional rights to equal protection by charging him out–of–state tuition. *Joseph v. Board of Regents of the University of Wisconsin System*, 432 F.3d 746 (2005).

The Board of Regents may only charge student fees for activities that relate to a legitimate educational purpose. 61 Atty. Gen. 120.

**36.29 Gifts; golf course.** (1) All gifts, grants, and bequests for the benefit or advantage of the system or any of its institutions, departments, or facilities or to provide any means of instruction, illustration, or knowledge in connection therewith, whether made to trustees or otherwise, shall be valid notwithstanding any other provision of this chapter except as otherwise provided in this subsection and shall be executed and enforced according to the provisions of the instrument making the same, including all provisions and directions in any such instrument for accumulation of the income of any fund or rents and profits of any real estate without being subject to the limitations and restrictions provided by law in other cases; but no such income accumulation shall be allowed to produce a fund more than 20 times as great as that originally given. No investment of the funds of such gifts, grants, or bequests shall knowingly be made in any company, corporation, subsidiary, or affiliate that practices or condones through its actions discrimination on the basis of race, religion, color, creed,

or sex. Except as otherwise provided in this section, the board may invest not to exceed 85% of trust funds held and administered by the board in common stocks. This subsection does not apply to a gift, grant, or bequest that the board declines to accept or that the board is not authorized to accept under this section.

(2) All gifts, grants, or bequests under sub. (1) may be made to the board, the president, a chancellor, or any officer, or to any person as trustee, or may be charged upon any personal representative, trustee, heir, devisee, or legatee, or made in any other manner indicating an intention to create a trust, and may be made as well for the benefit of the system or any of its institutions, colleges, schools, departments, or facilities to provide any means of instruction, illustration, or knowledge in connection therewith, or for the benefit of any students or any class or group of students whether by way of scholarship, fellowship, or otherwise, or whether for the benefit of students or any class or group of students in any course, subcourse, special course, postgraduate course, summer school or teachers course, oratorical or debating course, laboratory, shop, lectureship, drill, gymnasium or any other like division or department of study, experiment, research, observation, travel, or mental or physical improvement in any manner connected with the system, or to provide for the voluntary retirement of any of the faculty.

(3) It shall not be necessary for a gift, grant, devise or bequest to exactly or particularly describe the members of a class or group of students intended to be the beneficiaries, but it shall be sufficient to describe the class or group. In such case, the board shall divide, graduate or otherwise categorize the students into such classes or groups as are necessary to select and determine those students belonging to the class or group intended.

(4) Any grant, contract, gift, endowment, trust or segregated funds bequeathed or assigned to an institution or its component parts for any purpose whatsoever shall not be commingled or reassigned.

(5) (a) Except as provided in par. (b), the board may not acquire or make a commitment to operate any golf course not owned by the board prior to July 2, 1983, without specific authorization by the legislature.

(b) Notwithstanding s. 20.924 (1), the board may accept a gift of a golf course for the University of Wisconsin–Madison if no general purpose revenues are used in the acquisition, development or operation of that golf course.

(6) The board may not accept any gift, grant or bequest of real property with a value in excess of \$30,000 except as provided in s. 13.48 (2) (b) 1m.

(7) The board may not accept any gift, grant or bequest of a building or structure that is constructed for the benefit of the system or any institution unless acceptance is first approved by the building commission, or unless the plans and specifications for the building or structure are reviewed and approved by the department of administration and the building or structure is inspected as provided in s. 16.85 (12).

**History:** 1973 c. 335; 1983 a. 27, 192; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1995 a. 243; 2001 a. 102; 2003 a. 264.

Student loan funds established by gift for the benefit of students are trust funds. 62 Atty. Gen. 109.

Sub. (1), which prohibits investment of university funds in companies that practice or condone discrimination, is not unconstitutional. 67 Atty. Gen. 20.

Constitutionality of the no discrimination clause regulating University of Wisconsin investments. *Guynn*, 1978 WLR 1059.

**36.30 Sick leave.** Leave of absence for persons holding positions under s. 20.923 (4g) and (5), faculty and academic staff personnel with pay, owing to sickness, shall be regulated by rules of the board, except that unused sick leave shall accumulate from year to year.

**History:** 1975 c. 88; 1981 c. 96 ss. 22, 67; 1981 c. 386; 1997 a. 237.

**36.31 Coordination with other educational agencies.** (1) The board shall not, without the approval of the technical college system board, broaden the system’s post–high school training mission to include the preparation of persons for semiprofessional

or skilled-trade occupations beyond those offered during the 1972–73 academic year. The technical college system board shall not, without the approval of the board of regents, broaden its system's collegiate transfer program offerings beyond those in existence during the 1972–73 academic year. In this section, "collegiate transfer program" has the meaning given in s. 38.01 (3).

(2) The technical college system board, in agreement with the board may designate courses other than those covered under sub. (1) as transferable for collegiate credit between the 2 systems.

(3) The fees for services charged in the national direct student loan servicing contract to the board by the higher education aids board must be approved by the secretary of administration.

**History:** 1973 c. 335; 1977 c. 29; 1979 c. 34; 1991 a. 39; 1993 a. 399.

**36.32 Student identification numbers.** (1) In this section, "institution of higher education" means an institution within the system or a private educational institution located in this state that awards a bachelor's or higher degree or provides a program that is acceptable toward such a degree.

(2) An institution of higher education may assign to each student enrolled in the institution a unique identification number. An institution of higher education shall not assign to any student an identification number that is identical to or incorporates the student's social security number. This subsection does not prohibit an institution of higher education from requiring a student to disclose his or her social security number, nor from using a student's social security number if such use is required by a federal or state agency or private organization in order for the institution or the student to participate in a particular program.

**History:** 2003 a. 282 ss. 1 to 3.

**36.33 Sale and relocation of agricultural lands.**

(1) **LEGISLATIVE INTENT.** The legislature finds and determines that, because of the problems resulting from the development of the city of Madison around certain agricultural lands of the University of Wisconsin–Madison, the desirability of consolidating lands used for agricultural instruction, research and extension purposes, the desirability of disposing of agricultural lands no longer needed by the university and the need for land of better quality and of greater quantity for the purpose of improving and expanding agricultural research, it is in the public interest for the board to sell or lease, in whole or in part, the agricultural lands and improvements thereon owned by the board and located in sections 19, 20 and 30, township 7 north, range 9 east, Dane County; sections 25 and 27, township 7 north, range 8 east, Dane County; sections 34 and 35, township 38 north, range 11 east, Oneida County; and section 22, township 22 north, range 8 east, Portage County; and to purchase other agricultural lands outside of the Madison urban area and to construct thereon the necessary buildings and improvements. The foregoing policy determination is made without reference to or intention of limiting the powers which the board may otherwise have.

(2) **METHOD OF SALE; ASSESSMENTS.** (a) The board, in selling or leasing any part of the agricultural lands and improvements thereon, mentioned in sub. (1), shall sell or lease on the basis of either of the following:

1. Public bids, with the board reserving the right to reject any or all bids in the best interest of the state.

2. Negotiated prices.

(b) Notwithstanding any provisions of law to the contrary, the lands in Dane County mentioned in sub. (1) shall be subject to special assessments for public improvements by the city of Madison, in the same manner and to the same extent as privately owned lands, if the public improvements are of direct and substantial benefit to the lands that have been platted for sale.

(3) **BUILDING COMMISSION APPROVAL.** The sale, lease and purchase of agricultural lands mentioned in sub. (1) shall be subject to the approval of the building commission.

(4) **PROCEEDS.** The net proceeds from the sale of agricultural lands and improvements authorized by this section shall be

devoted to the purchase of land and construction of improvements contemplated in sub. (1) but of any excess of revenue beyond the amount required for this purpose a sum not to exceed \$7,200,000 shall constitute a nonlapsible fund for the purpose of erecting facilities for research and instruction in animal husbandry, agricultural engineering and agricultural and life sciences at the University of Wisconsin–Madison, and such funds shall become available upon consent and recommendation of the board and authorization by the building commission.

(5) **LOCAL TAXES.** The lands mentioned in sub. (1) which are located in the city of Madison shall be subject to all general property taxes levied by the city of Madison in the event that they are used for commercial purposes. "Commercial purposes" does not include official use by the state or any of its agencies.

**History:** 1973 c. 335; 1977 c. 418; 1983 a. 36 s. 96 (4); 1995 a. 225; 2001 a. 103.

**36.34 Minority student programs.** (1) **BEN R. LAWTON MINORITY UNDERGRADUATE GRANT PROGRAM.** (a) In this subsection "minority undergraduate" means an undergraduate student who:

1. Is a Black American.
2. Is an American Indian.
3. Is a Hispanic, as defined in s. 560.036 (1) (d).

4. Is a person who is admitted to the United States after December 31, 1975, and who either is a former citizen of Laos, Vietnam or Cambodia or whose ancestor was or is a citizen of Laos, Vietnam or Cambodia.

(b) The board shall establish a grant program for minority undergraduates enrolled in the system. The board shall designate all grants under this subsection as Lawton grants. Grants shall be awarded from the appropriation under s. 20.285 (4) (dd). The board may not make a grant under this subsection to a person whose name appears on the statewide support lien docket under s. 49.854 (2) (b), unless the person provides to the board a payment agreement that has been approved by the county child support agency under s. 59.53 (5) and that is consistent with rules promulgated under s. 49.858 (2) (a).

(c) 1. In this paragraph:

a. For purposes of calculating the amount to be appropriated under s. 20.285 (4) (dd) for fiscal year 2007–08, "base amount" means the amount shown in the schedule under s. 20.005 for that appropriation for fiscal year 2006–07.

b. For purposes of calculating the amount to be appropriated under s. 20.285 (4) (dd) for each fiscal year after fiscal year 2007–08, "base amount" means the appropriation determined under subd. 2. for the previous fiscal year.

2. Beginning in 2007, biennially, by February 1, the board shall calculate the amounts to be appropriated under s. 20.285 (4) (dd) for the next biennium as follows:

a. The board shall determine the percentage by which the undergraduate academic fees that will be charged for the next academic year at each institution within the University of Wisconsin System, as estimated by the board, will increase or decrease from the undergraduate academic fees charged for the current academic year.

am. The board shall determine the percentage by which the undergraduate academic fees that will be charged for the academic year after the next academic year at each institution within the University of Wisconsin System, as estimated by the board, will increase or decrease from the estimated undergraduate fees that will be charged for the next academic year.

b. The appropriation for the first fiscal year of the next biennium shall be the result obtained by increasing, to the nearest \$100, the base amount by the average of the percentage increases determined under subd. 2. a., except that, if the undergraduate academic fees for the next academic year are estimated to decrease or not change from the undergraduate academic fees charged for the current academic year at each institution specified in subd. 2. a., the appropriation shall be the base amount.

bm. The appropriation for the 2nd fiscal year of the next biennium shall be the result obtained by increasing, to the nearest \$100, the base amount by the average of the percentage increases determined under subd. 2. am., except that, if the undergraduate academic fees for the academic year after the next academic year are estimated to decrease or not change from the estimated undergraduate academic fees charged for the next academic year at each institution specified under subd. 2. am., the appropriation shall be the base amount.

**History:** 1985 a. 29; 1987 a. 27 ss. 666g, 666i, 670 to 673, 675; 1989 a. 31; 1991 a. 39; 1993 a. 16; 1995 a. 404; 1999 a. 9; 2001 a. 109; 2003 a. 33; 2005 a. 25, 254.

**36.35 Misconduct; campus security. (1) POWER TO SUSPEND; RULES.** The board may delegate the power to suspend or expel students for misconduct or other cause prescribed by the board. The board shall promulgate rules under ch. 227 governing student conduct and procedures for the administration of violations.

**(2) AUTHORITY TO RESTRICT PRESENCE OF PERSONS ON CAMPUS.** The chancellor of each institution or the chief security officer thereof during a period of immediate danger or disruption may designate periods of time during which the campus and designated buildings and facilities connected therewith are off limits to all persons who are not faculty, academic staff, employees, students or any other personnel authorized by the above named officials. Any person violating such order shall be subject to the penalties provided by law for criminal trespass.

**(3) REQUIRING PERMISSION FOR PRESENCE ON CAMPUS.** Any person who is convicted of any crime involving danger to property or persons as a result of conduct by that person which obstructs or seriously impairs activities run or authorized by an institution and who, as a result of such conduct, is in a state of suspension or expulsion from the institution, and who enters property of that institution without permission of the chancellor of the institution or the chancellor's designee within 2 years, may for each such offense be fined not more than \$500 or imprisoned not more than 6 months, or both.

**History:** 1973 c. 335; 1985 a. 332 s. 251 (1); 1991 a. 316.

**Cross Reference:** See also chs. UWS 14 and 17, Wis. adm. code.

**36.36 Grants for study abroad.** From the appropriation under s. 20.285 (1) (er), the board shall award a grant of up to \$2,000 to a resident undergraduate student to assist in paying the costs associated with the student's study abroad if the student satisfies all of the following criteria:

**(1)** The student demonstrates financial need for the grant, as determined by the board.

**(2)** The student is enrolled full-time in the system in the semester preceding the student's study abroad.

**(3)** The student is enrolled in a program leading to an associate or bachelor's degree.

**History:** 1999 a. 9, 152.

**36.37 Downer Woods and buildings preservation.**

**(1) STATEMENT OF PURPOSE.** The purpose of this section is to promote the permanent conservation and enhancement, by the University of Wisconsin–Milwaukee, of the area known as Downer Woods; to designate and protect, as a permanent conservancy area, at least 10 acres of the woods; and to permit limited modification, in a manner consistent with the aforesaid purposes, of that portion of the woods whose present character as park and woodland lends itself to utilization, by the university and the surrounding community, as essential recreational and aesthetic corridors.

**(2) LEGISLATIVE FINDINGS.** The legislature finds it in the public interest to recognize and foster the principle of environmental quality in the area known as Downer Woods by preserving it as a conservancy area and protecting it, consistent with sub. (4), from encroachment or disparate uses. The woods is the sole remaining natural area remaining on the campus of the University of Wisconsin–Milwaukee, and as such, its preservation and enhancement is consistent with the university's recognition of its

need to protect and enhance its own physical environment, and to serve the pressing human need of its faculty, students and staff, as well as the greater Milwaukee community, to live and work in an urban environment which respects those portions of unspoiled nature which yet exist. The woods is a unique asset; it provides visual relief to the concentrated building pattern surrounding it, complements the urban landscape and affords aesthetically and psychologically attractive places for people to congregate and relax. In addition, the woods serves as a refuge for wildlife and vegetation, and is, therefore, an important educational, scientific and ecological resource to the university and the community. Its presence imparts priceless recreational and aesthetic values.

**(3) DEFINITIONS.** In this section, "Downer Woods" or "the woods" means those parcels of wood, parkland and buildings comprising more than 21.4337 acres located on the campus of the University of Wisconsin–Milwaukee, and divided into 5 separate and distinct categories, which categories shall define the proper and permissible uses of the parcels, as follows:

**(a)** Permanent conservation area, consisting of 11.101 acres, which is to be physically defined by means of fencing or other suitable means.

**(b)** Permanently reserved woodland, consisting of 3.018 acres.

**(c)** Park and woodland areas, consisting of 4.686 acres, which may be subject to limited modification, such as landscaping, but which are to be protected from disparate uses and encroachment.

**(d)** The buildings and grounds of the former Downer college with any reconstruction or renovation which may be authorized by the board.

**(e)** Park and woodland areas, consisting of 2.6287 acres, which may be subject to limited modifications, such as landscaping and utility lines.

**(4) DOWNER WOODS CONSERVATION.** **(a)** That portion of Downer Woods designated a permanent conservation area is to be forever protected from encroachment or disparate uses, and its boundaries are to be defined and protected by fencing or other suitable means. The chancellor of the University of Wisconsin–Milwaukee, through the University of Wisconsin–Milwaukee Field Station, shall prepare and implement a Downer Woods natural area management and restoration plan to ensure that the conservation area is managed properly as a natural area.

**(b)** That portion of Downer Woods designated as permanently reserved woodland shall be set aside exclusively for purposes of community enhancement and relaxation, and any disparate uses to or encroachments upon such land is prohibited except for the purpose of constructing an addition and providing service to Sandburg Hall, which may not exceed 0.75 acres. The board shall grant a temporary easement sufficient to facilitate the construction of the addition, and whenever necessary to facilitate the maintenance of Sandburg Hall, conditioned upon the ecological restoration of the area within the easement.

**(c)** Those portions of Downer Woods designated as park and woodland areas under sub. (3) (c) and (e) may be used by the University of Wisconsin–Milwaukee as recreational and aesthetic corridors. Any modifications made to such portions of the woods under sub. (3) (c) and (e) may not significantly alter the present character of such land, and any disparate uses to or encroachments upon such land are prohibited.

**(d)** The buildings of the former Downer college shall be preserved and no portion thereof may be razed without prior approval of the building commission.

**History:** 1973 c. 335; 1975 c. 386; 1997 a. 226.

**36.39 Complimentary and reduced price tickets prohibited.** Complimentary and reduced price tickets to any system athletic event for which an admission fee is normally charged are prohibited with the following exceptions:

**(1)** Reduced price tickets for persons 62 years of age or older, minors and students;

(2) Complimentary and reduced price tickets permitted by rules of intercollegiate athletic conferences in which the system participates if the chancellor of the institution participating in the athletic event has approved the furnishing of such tickets; and

(3) Complimentary and reduced price tickets for individuals who perform duties directly related to the conduct of the athletic event for which they are issued.

**History:** 1975 c. 224; 1977 c. 29; 1995 a. 27.

**36.395 Fees for use of facilities.** The board shall ensure that, beginning January 1, 1992, the fees for using the University Ridge Golf Course at the University of Wisconsin–Madison are set at no more than 2 levels. If there are 2 levels of fees, the lower fee level shall be for students and the other fee level shall be for all others eligible to use the facility.

**History:** 1991 a. 39.

**36.40 Use of animals for research purposes.** The board shall adopt criteria for researchers to follow regarding humane treatment of animals for scientific research purposes.

**History:** 1983 a. 27.

**36.43 Accommodation of religious beliefs.** The board shall promulgate rules providing for the reasonable accommodation of a student's sincerely held religious beliefs with regard to all examinations and other academic requirements. The rules shall include all of the following:

(1) Written and timely notification of all students and instructors of the rules and complaint process.

(2) A means by which a student can conveniently and confidentially notify an instructor of potential conflicts.

(3) A means by which a student is permitted to make up an examination or academic requirement at another time or by an alternative means without any prejudicial effect.

(4) A procedure for handling and resolving complaints within each institution.

**History:** 1991 a. 227; 1997 a. 237.

**Cross Reference:** See also ch. UWS 22, Wis. adm. code.

**36.44 License plate scholarship programs.** (1) The board shall establish a scholarship program at each of the institutions specified in s. 341.14 (6r) (f) 35. to 47. The program at each institution shall be funded by the fees collected under s. 341.14 (6r) (b) 4. for that institution and the scholarships shall be awarded by the chancellor of each institution according to criteria developed by the chancellor.

(2) Notwithstanding sub. (1), the board shall use the fees collected under s. 341.14 (6r) (b) 4. for the University of Wisconsin–Madison scholarship program to provide funds for the University of Wisconsin–Madison division of intercollegiate athletics. When the board determines that the division's deficit has been eliminated, the board shall use such fees as provided under sub. (1).

**History:** 1989 a. 31.

**36.45 Research funding.** (1) In its biennial budget request under s. 16.42, the board shall specify the anticipated completion date of all research and public service projects for which the board is requesting general purpose revenue.

(2) When the board prepares a fiscal estimate under s. 13.093 (2) (a) with respect to the provisions of any bill that involves the appropriation of general purpose revenue to the board for a research or public service project, the board shall specify in its fiscal estimate the anticipated completion date of the project.

(3) By September 1, 1992, and biennially thereafter by September 1, the board shall report to the governor and the joint committee on finance the purpose, duration, cost and anticipated completion date of all research and public service projects for which the board is expending general purpose revenue.

**History:** 1991 a. 39.

**36.46 Auxiliary reserves.** (1) (a) The board may not accumulate any auxiliary reserve funds from student fees for any institution in an amount that exceeds an amount equal to 15% of the previous fiscal year's total revenues from student segregated fees and auxiliary operations funded from student fees for that institution unless the reserve funds are approved by the secretary of administration and the joint committee on finance under this subsection. A request by the board for such approval for any fiscal year shall be filed by the board with the secretary of administration and the cochairpersons of the joint committee on finance no later than September 15 of that fiscal year. The request shall include a plan specifying the amount of reserve funds the board wishes to accumulate and the purposes to which the reserve funds would be applied, if approved. Within 14 working days of receipt of the request, the secretary of administration shall notify the cochairpersons of the joint committee on finance in writing of whether the secretary proposes to approve the reserve fund accumulation.

(b) Notwithstanding par. (a), if, within 14 working days after the date of the secretary's notification, the cochairpersons of the committee do not notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the secretary's proposed action, the proposed reserve funds may be accumulated. If, within 14 working days after the date of the secretary's notification, the cochairpersons of the committee notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the secretary's proposed action, the proposed reserve funds may not be accumulated unless the committee approves that action.

(2) By September 1, 1998, and annually by September 1 thereafter, the board shall submit to the joint committee on finance a report on the requests to transfer moneys from the appropriation account under s. 20.285 (1) (h) to the appropriation account under s. 20.285 (1) (kp) that were received by the board in the previous fiscal year. For each request, the report shall identify the campus that submitted the request, the amount of the request, the revenue source of the moneys requested, the purpose for which the moneys were to be used and whether the board approved the request.

**History:** 1985 a. 29; 1987 a. 27; 1997 a. 27, 237.

**36.48 Alcohol and other drug abuse prevention and intervention programs.** The board shall appoint alcohol and other drug abuse prevention and intervention program counselors for the University of Wisconsin–Madison and the University of Wisconsin–Milwaukee. The counselors shall develop alcohol and other drug abuse prevention and intervention programs and train faculty, academic staff and classified staff in the prevention of and early intervention in alcohol and other drug abuse.

**History:** 1989 a. 31.

**36.51 Nutritional improvement for elderly.** (1) In this section:

(a) "Authorized elderly person" means any resident of this state who is 60 years of age or older, and the spouse of any such person.

(b) "Institution" includes any private institution of higher education.

(2) Any college campus or institution approved by the board may establish a system to provide the opportunity for authorized elderly persons to participate in its meal program. If a college campus or institution desires to establish such a service, it shall develop a plan for the provision of food services for elderly persons and submit the plan to the board. Annually, the board shall notify the department of public instruction of the approved college campuses and institutions.

(3) Each plan shall provide at least one meal per day for each day that school is in regular session. The college campus or institution may provide additional service at other times in its discretion, if the number of eligible persons in the area is of sufficient size, in the opinion of the board, so that unwarranted production expense is not incurred.

(4) Any college campus or institution that operates a food services plan for elderly persons under this section shall make facilities available for service to elderly persons at every facility that provides hot food service to its students. Upon application, the board may grant exceptions from compliance with this subsection for reasons of safety, convenience or insufficient interest in a given neighborhood.

(5) Meals may be served at schools where they are served to students or at any site more convenient to the majority of authorized elderly persons interested in the service. Food may be transported to authorized elderly persons who are unable to leave their homes or distributed to nonprofit organizations for such purposes. However, no state funds under this section may be used for food delivery to individual homes. The board may require consolidation of programs between college campuses and institutions and between schools if such a procedure will be convenient and economical.

(6) The college campus or institution may file a claim with the department of public instruction for reimbursement for reasonable expenses incurred, excluding capital equipment costs, but not to exceed 15% of the cost of the meal or 50 cents per meal, whichever is less. Any cost in excess of the lesser amount may be charged to participants. If the department of public instruction approves the claim, it shall certify that payment is due and the secretary of administration shall pay the claim from the appropriation under s. 20.255 (2) (cn).

(7) All meals served must meet the approval of the board, which shall establish minimum nutritional standards and reasonable expenditure limits consistent with the standards and limits established by the state superintendent of public instruction under s. 115.345 (6). The board shall give special consideration to the dietary problems of elderly persons in formulating a nutritional plan. However, no college campus or institution may be required to provide special foods for individual persons with allergies or medical disorders.

(8) Participants in a program under this section may be required to document their Wisconsin residency in a manner approved by the board. The board may issue identification cards to such persons if necessary. A college campus or institution may admit nonresidents who would otherwise qualify into its program, but no state funds under this section may be used to subsidize any portion of the meals served to such persons.

(9) The board shall adopt reasonable rules necessary to implement this section.

**History:** 1989 a. 269, 359; 1995 a. 27 ss. 1800, 9145 (1); 1997 a. 27, 237; 2003 a. 33.

**36.52 Reimbursement of pay supplements.** Whenever moneys become available from the federal government to finance the cost of pay and related adjustments for employees of the system in the unclassified service whose positions are wholly or partly funded from federal revenue under 7 USC 343 that have been paid from the appropriation under s. 20.865 (1) (cj) during the same fiscal year in which moneys are expended from that appropriation, the board shall reimburse the general fund for any expenditures made under s. 20.865 (1) (cj) from the appropriate appropriation to the board made from federal revenues.

**History:** 1991 a. 39.

**36.53 Tuition gift certificates. (1)** The board may establish a gift certificate program for the payment of nonresident tuition and academic fees. The program shall include all of the following components:

(a) The individual named in a gift certificate may use the gift certificate to pay all or a portion of his or her nonresident tuition or academic fees, or for a study–abroad program, at any institution or college campus.

(b) A gift certificate is not transferable, except to a parent, child, spouse, or sibling of the named individual in par. (a).

(c) A gift certificate does not expire.

(2) (a) The board may charge no more than the actual processing cost as a fee for each sale of a gift certificate.

(b) All moneys received by the board from the sales of gift certificates under this section shall be credited to the appropriation account under s. 20.285 (1) (im).

**History:** 2005 a. 77.

**36.54 Environmental education board and grants. (1)**

(a) The environmental education board shall consult with the state superintendent of public instruction in identifying needs and establishing priorities for environmental education in public schools, including needs for teacher training, curriculum development and the development and dissemination of curriculum materials. The state superintendent of public instruction shall seek the advice of the environmental education board in carrying out these activities.

(b) The environmental education board shall consult with other state agencies, including the University of Wisconsin–Extension, conservation and environmental groups, youth organizations and nature and environmental centers in identifying needs and establishing priorities for environmental education.

(2) (a) In this subsection:

1. “Corporation” means a nonstock corporation organized under ch. 181 that is a nonprofit corporation, as defined in s. 181.0103 (17).

1m. “Lake sanitary district” has the meaning given in s. 30.50 (4q).

2. “Public agency” means a county, city, village, town, public inland lake protection and rehabilitation district, lake sanitary district or school district or an agency of this state or of a county, city, village, town, public inland lake protection and rehabilitation district, lake sanitary district or school district.

(b) From the appropriations under s. 20.285 (1) (j), (r) and (rc), the environmental education board shall award grants to corporations and public agencies for the development, dissemination and presentation of environmental education programs. Programs shall be funded on an 18–month basis. The environmental education board may not award a grant unless the grant recipient matches at least 25% of the amount of the grant. Private funds and in–kind contributions may be applied to meet the matching requirement. Grants under this paragraph may not be used to replace funding available from other sources.

(c) The environmental education board shall promulgate rules establishing the criteria and procedures for the awarding of grants for programs and projects under par. (b). The environmental education board shall use the priorities established under sub. (1) for awarding grants if the amount in the appropriations under s. 20.285 (1) (j), (r) and (rc) in any fiscal year is insufficient to fund all applications under this subsection.

(d) The environmental education board shall seek private funds for the purpose of the grants under this subsection.

(e) No more than one–third of the total amount awarded in grants under par. (b) in any fiscal year may be awarded to state agencies.

(f) The environmental education board may use up to 5% of the amount appropriated under s. 20.285 (1) (rc) to administer the grants under this subsection.

**History:** 1989 a. 299; 1991 a. 39; 1993 a. 16, 458; 1995 a. 27 ss. 3878m to 3880 and 9145 (1); 1995 a. 349; 1997 a. 27 s. 2745g; Stats. 1997 s. 36.54; 1997 a. 79, 237; 2005 a. 25.

**Cross Reference:** See also ch. EEB 2, Wis. adm. code.

**36.55 Reporting employment harassment and discrimination claims.**

By September 1 of each even–numbered year, the president shall submit a report to the chief clerk of each house for distribution to the legislature under s. 13.172 (2) that contains a description of each employment harassment or discrimination claim filed against the board or an employee of the board and resolved in favor of the claimant, the amount of any settlement paid to or judgment entered for the claimant and a

description of any discipline of board employees resulting from the resolution of the claim.

**History:** 1999 a. 9.

**36.56 Grants for forestry cooperatives.** (1) From the appropriation under s. 20.285 (1) (qm), the center for cooperatives under s. 36.11 (40) may award grants to persons to form forestry cooperatives under ch. 185 or 193 that consist primarily of private, nonindustrial owners of woodland. A grant recipient shall provide matching funds equal to 50% of the grant amount awarded. The match may be in the form of money or in-kind services or both, but may not include money received from the state.

(2) In each fiscal year, the center for cooperatives may not encumber funds from the appropriation under s. 20.285 (1) (qm) for administrative expenses if the amounts encumbered in that fiscal year for administrative expenses exceed 5% of the total expenditures from the appropriation for the fiscal year.

**History:** 1999 a. 9; 2005 a. 441.

**36.58 Veterinary diagnostic laboratory.** (1) DUTIES OF THE VETERINARY DIAGNOSTIC LABORATORY BOARD. The veterinary diagnostic laboratory board shall do all of the following:

(a) Prescribe policies for the operation of the veterinary diagnostic laboratory.

(b) Develop biennial budget requests for the veterinary diagnostic laboratory.

(c) In accordance with sub. (3), set fees for services provided by the veterinary diagnostic laboratory.

(2) DUTIES OF THE VETERINARY DIAGNOSTIC LABORATORY. The veterinary diagnostic laboratory shall do all of the following:

(a) Operate a laboratory that does all of the following:

1. Provides testing and diagnostic services for all types of animals, including fish, in this state, with emphasis on services for farm animals.

2. Provides the diagnostic services necessary to meet the requirements for accreditation by the American Association of Veterinary Laboratory Diagnosticians.

3. Provides the testing and diagnostic services needed by the department of agriculture, trade and consumer protection to discharge the department's responsibilities related to disease control and animal health.

(b) Maintain a regional laboratory in the city of Barron.

(c) In cooperation with the school of veterinary medicine and the department of agriculture, trade and consumer protection, participate in research and in the provision of field services, consultation services and education as determined to be appropriate by the veterinary diagnostic laboratory board.

(3) FEES. (a) Except as provided in pars. (b) and (c), the veterinary diagnostic laboratory shall charge fees for testing and diagnostic services.

(b) The veterinary diagnostic laboratory may not charge a fee for any testing or diagnostic service conducted for the subunit of the department of agriculture, trade and consumer protection that is responsible for animal health or for the subunit of the federal department of agriculture that is responsible for animal health.

(c) The veterinary diagnostic laboratory board may identify services that are necessary to protect human health and safety for which the veterinary diagnostic laboratory may not charge fees.

(3m) APPOINTMENT OF DIRECTOR. After consultation with the veterinary diagnostic laboratory board, the chancellor of the University of Wisconsin–Madison shall appoint an individual who has received the degree of doctor of veterinary medicine as the director of the veterinary diagnostic laboratory.

(4) SUBMISSION OF BUDGET. Notwithstanding s. 15.03, the board of regents of the University of Wisconsin System shall process and forward to the department of administration all personnel and biennial budget requests of the veterinary diagnostic laboratory board without change.

(5) TREATMENT OF CERTAIN EMPLOYEES. Notwithstanding ss. 36.09 (1) (i), 36.13 and 36.15, when a position at the veterinary diagnostic laboratory is held by a person who held a position in the classified service at the animal health laboratories at the department of agriculture, trade and consumer protection on May 12, 2000, the position may not be designated as a position outside of the classified service without the consent of the person.

(6) CONFIDENTIALITY OF PARATUBERCULOSIS RECORDS. Any information kept by the veterinary diagnostic laboratory that identifies the owners of livestock herds infected, or suspected of being infected, with paratuberculosis is not subject to inspection or copying under s. 19.35 except as the veterinary diagnostic laboratory determines is necessary to protect the public health, safety or welfare.

**History:** 1999 a. 107.